TO: Sara Collins  
FROM: Charley Ice  

Date: 28 Dec 04

Transmitting map of two wells at Makolelan for John McAfee (Don Williams, agent)

Note that new information has clarified well numbers from what you saw before: 0355.07 is now -04. Does this help identify the work sites with respect to survey mapping you may already have?
### PUBLIC RECORD DATA

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<thead>
<tr>
<th>Taxkey</th>
<th>Subdiv/Condo</th>
<th>Tnr Address</th>
<th>Owner/Lessee</th>
<th>Bds Bths</th>
<th>Land area</th>
<th>Liv area</th>
<th>Last Sale Instr</th>
<th>Price</th>
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<tr>
<td>2-5-5-1-15</td>
<td>F</td>
<td>KAM V MCAFEE, JOHN</td>
<td>515.75 ac</td>
<td>0</td>
<td>7/10/2003</td>
<td>QD</td>
<td>$1,250,000</td>
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</table>

This information has been supplied by third parties and has not been independently verified by Hawaii Information Service and is, therefore, not guaranteed.
October 28, 2010

Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, HI 96793

Dear Mr. Hart:

Request for Extension of Well Construction Permit
Makolelau-McAfee Well #1 (Well No. 0355-05)

Thank you for your letter dated October 14, 2010, clarifying your client Alpha & Omega Holdings, LLC desire to keep the permit active, although the work is not expected to be done in the near future. Your expectation is that the project may proceed some time in the next 18 months to 2 years.

The permits for well construction and pump installation carry a 2-year period life before they expire. In this situation, however, the Commission has issued a letter of assurance, pending selection of a licensed contractor, and there is no expiration date on this, though conditions 1 to 4 must be met. As a procedural matter, when the project is ready to proceed and a licensed contractor is selected, have the contractor sign the original application to indicate familiarity with the project as circulated for review and conditionally approved. The permits for well construction and pump installation will be issued to the contractor at that time, with a 2-year duration.

If you have any questions, please contact Charley Ice of our staff at (808) 587-0218 or toll free from Maui at 984-2400, extension 70218.

Sincerely,

LENORE N. OHYE
Acting Deputy Director

CI:ss
This letter confirms our telephone conversation of October 13, 2010.

**Background:** On October 7, you called my office to inquire regarding the status of the above referenced project proposed by Alpha Omega Holdings, LLC. After researching our project file and discussing the matter with our Client’s Attorney, Mr. Terrence Lee, Esq. of Bickerton, Lee Dang & Sullivan. We discussed the matter further on October 13, as follows:

**Conversation:** Our Client does want to pursue drilling and developing Well No. 0355-05; however, due to the impacts of the worldwide recession, it is not possible to pursue the project, at this time.

Therefore, we discussed the possibility of a further **Time Extension**, and it is my understanding, that if we continue to follow the procedures defined in the enclosed December 4, 2006, Extension of Well Construction Permit and Letter of Assurance letters, we could have approximately eighteen (18) additional months within which to proceed.

I trust the foregoing is an accurate report of our conversation, and unless I hear otherwise, we will proceed as directed in the Extension of Well Construction Permit and Letter of Assurance.

---

**Compliance:**

TMK 5-5-01: 13, 15, 22, 36, 38 and portions of 21 and 39, Makolelau, Island of Moloka’i. *(See: Enclosed Letter Dated: November 21, 2006)*

---

**Attachment:** Origina 1s identified a proposed new well (3355-05) as “Well#1” (?)

The other is the I thought was still a live issue. I’ve asked CHP what about subsequent references to the new (still-a-concept) well.
Mr. Peter Young, Chairman  
State Water Commission  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809  

Dear Mr. Young:  

Re: Request for Extension of a Well Construction Permit (Well No. 0355-05),  
TMK 5-5-01: 13, 15, 22, 36, 38 and portions of 21 and 39, Makolelau, Island of Molokai.  

As consultant for landowner, Alpha Omega Holdings, I respectfully request a two (2) year time extension on the subject Well Construction Permit. This time extension request is prompted by high construction cost estimates. Because well drilling machinery must be brought over to Molokai, we are trying to coordinate the subject well construction with other similar projects on the island, in order to achieve cost efficiencies. It is anticipated that well construction can occur within a two (2) year period.  

I appreciate your assistance on this matter. Please contact me, if you have any questions.  

Sincerely,  

Christopher L. Hart, ASLA  
President  

Cc: Michael Sherman  
Paul Horikawa, Esq.  

LANDSCAPE ARCHITECTURE AND PLANNING  
1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1705 • PHONE: 808-242-1955 • FAX: 808-242-1956
December 4, 2006

Mr. Christopher L. Hart
1955 Main Street, Ste. 200
Wailuku, HI 96793

Dear Mr. Hart:

Letter of Assurance for Well No. 0355-04

We are extending your Well Construction/Pump Installation Permit. In accordance with the State Water Code, §174C-84(a), a contractor is required to obtain a permit. Under current procedures, the extended permit is being issued as a Letter of Assurance, awaiting a licensed contractor’s signature.

Once you have selected a contractor, the contractor shall sign and return to the Commission a copy of the original application, upon which well construction and pump installation permits will be issued provided that the following conditions are met:

1. The contractor has no outstanding issues with the Commission.
2. There are no significant changes to the application.
3. There have been no significant changes to applicable laws, rules or regulations since the application date.
4. There have been no significant changes to hydrogeologic conditions since the application date.

Also, attached for your information are copies of comments from reviewing agencies.

If you have any questions, please contact Charley Ice of the Commission staff at 587-0251 or toll-free at 984-2400 extension 70251.

Sincerely,

DEAN A. NAKANO
Acting Deputy Director

CI: ss
Enclosure
TO: State of Hawaii Commission
   on water resource management
   Department of Land & Natural Resource

RE: Makolelau, Molokai Hawaii
    TMK # 2-5-5-01 Parcel # 15

Dear Sirs,

Please find enclosed two water well applications with related documents concerning:

1. The renovation of the existing “hand dug” water well know as Makolelau well ‘A’
2. Drilling new water well to be known as Makolelau #1 which will be drilled on lot E.

Currently the existing water well is located on lot #D. We would like to bring the existing well to standards by casing the well with a 16” steel encasement & concreting a 6”
diameter casing in the center and install a submersible pump to draw the water.

Please review the enclosed documents and contact me if you need any further information.

Thank you
Don W. Williams
December 3, 2007

Mr. Paul Frandsen
American Drilling
P.O. Box 2035
Aiea, HI 96701

Dear Mr. Frandsen:

Expiration of Well Construction Permits
Makolelau-McAfee Wells 1 & 2 (Well Nos. 0355-04 & 05)

Please be advised that the captioned permits have expired and will be cancelled from the Commission Bulletin. No further work should be done under these permits, subject to penalties of up to $5,000 under the Water Code.

If you have any questions, please contact Charley Ice of our staff at (808) 587-0251.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director
<table>
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<th>Complaint No.</th>
<th>Name</th>
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<td>C03-06</td>
<td>Beverly Kanemaru, Audry Yo</td>
<td>reduced strfl</td>
<td>7/3/03</td>
<td>10/21/2003</td>
<td>Users of an Auwai from Waolani Stream reported auwai drying up. Source of Auwai on parcel ewa side of Waolani Str just above Oahu Cemetery. A 2nd Auwai takes water from the diamondhead side of stream. Issue might be within the stream channel. Related complaint re trespassing by CWRM staff w/o prior notification. By Edward P. Gabriel.</td>
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<td>C03-12</td>
<td>Tim Johns</td>
<td>Alleged fill</td>
<td>12/8/2003</td>
<td></td>
<td>Phone message from Tim Johns with concerns about Roberts filling in an area eroded during recent flooding. If done improperly, could cause flooding? Checked with Dede and Charlene re land ownership. C&amp;C tmk site indicates Roberts owns the parcel makai of Mokumoa St. along Moanalua Stream. ETS(12/9/03).</td>
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<td>C04-06</td>
<td>Donovan M. Dela Cruz</td>
<td></td>
<td>1/28/2004</td>
<td></td>
<td>Letter from Council Chair Dela Cruz asking the DLNR to &quot;cleanup&quot; the &quot;buildup and accumulation of trash and debris at Pokiwai Stream.&quot;</td>
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<td>C04-10</td>
<td>Gracie Wilson</td>
<td>Violation</td>
<td>5/7/2004</td>
<td></td>
<td>Illegal well drilling - ? status - no file - what is it? Ed, Susan, Dave all lost - nada</td>
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<td>C04-12</td>
<td>City and County of Honolulu</td>
<td>Waste</td>
<td>6/2/2004</td>
<td></td>
<td>Takiguchi Well (Well No. 2201-02, WUP Nos. 495 and 500) is leaking and causing flooding at the West Loch Golf Course. Lenore to set up field investigation to verify facts.</td>
</tr>
</tbody>
</table>

6 recorded complaints

Tuesday, October 19, 2004
February 14, 2005

Aloha Charlie:

Happy Valentines Day.

Enclosed are a couple of pages from sales brochure associated with the McAfee Plantation land auction. I received it from the auction company in Alabama.

As you can see the brochure advertises "excellent development potential" for "spectacular homesites".

No mention of water on the property, except that "this dreamy refuge offers .... cascading water falls and flowing streams". This of course is fiction except possibly for intermittent flows in heavy rains at which time these are flash water falls and flowing streams as there are all over the island during heavy rains.

Also enclosed is copy of recent article on McAfee controversy that appeared in 02/09/05 Maui News.

Mr. McAfee's auction company says that there are wells permits for the two 500-acre lots and that on the three oceanfront parcels the owner will have to drill a well and that generally water can be reached at about the 20 foot depth.

Most on island figured McAfee didn't have any water on the property and if he wanted a permit from the State a public hearing would have to be held on Molokai. People were concerned that McAfee was granted 'well construction permits" for the two 500 acre parcels TMKs 5-5-01:13 and 15

There is a community meeting tonight regarding this project that is being held at Mitchell Pauole Center in Kaunakakai.

It would be helpful if I could get some follow-up info about the status of McAfee's well applications sometime today so that the community can have a better understanding of the project's total scope.

Will call you this morning to discuss this request.

Thanks

DeGray
Molokai community in uproar over land auction

By VALERIE MONSON, Staff Writer

Wednesday, February 09, 2005 THE MAUI NEWS

KAUNAKAKAI — When computer software virus pioneer John McAfee put 1,000 acres of Molokai land on a national auction block recently, he had no idea of the dirt he was about to kick up.

On Monday at 6 p.m., while many will be enjoying romantic dinners to celebrate Valentine’s Day, Molokai residents will come together to stand up for what they love the most: the land. The community meeting at Mitchell Pauole Center to discuss the pending sale will be sponsored by the grass-roots organization Hui Ho’opakele ’Aina.

“That’s what Hui Ho’opakele ’Aina means — protect the land,” said Walter Ritte, who is a leader of the group that was successful two years ago in protesting against cruise ships making stops on Molokai.

“This is another threat to our land. When word got out about the sale, we kept hearing people saying ’What are we going to do? Why don’t we do something?’ This is our response to those comments.”

McAfee bought 1,046 acres between Kawela and Kamalo east of Kaunakakai less than two years ago. Because he was donating to local causes and seemed to genuinely want to make Molokai his home, many residents took a liking to him.

Once the sale was announced in a Wall Street Journal ad last month, however, some of those same residents felt betrayed.

“I got upset because I think he can be a real asset to our community,” said Crystal Egusa, who operates Friendly Market grocery that has been in her husband’s family for 50 years. “People are moving here anyway and it’s always been our hope that these people will embrace Molokai the way it is and be a part of the community.”

Egusa was taken aback when she heard that McAfee had put the land he only recently purchased up for sale.

“My first reaction was: how irresponsible,” said Egusa. “When you buy land on Molokai or anywhere, it becomes yours. It’s like when you adopt a child, that child is yours. You don’t just auction it off to the highest bidder just because things aren’t going your way.”
ABSOLUTE AUCTION

MOLOKAI HAWAII

John McAfee's Historic OCEANFRONT PLANTATION

1,000± Acres
Beachfront Tracts
Ancient Hawaiian Fish Ponds & Sandy Beach
Excellent Development Potential
Spectacular Homesites

THURSDAY, MARCH 10
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<th>DATE: FEB - 7 2005</th>
<th>SUSPENSE DATE:</th>
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<td>KUNIMURA, I.</td>
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WELL CONSTRUCTION PERMIT

Makolelau-McAfee #1, Well No. 0355-05

Note: This permit shall be prominently displayed at the site until the work is completed

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Makolelau-McAfee #1 (Well No. 0355-05) at 50 ft. el., 7-mile marker, Ma'alea, Molokai, TMK 5-5-1:15, subject to the Hawaii Well Construction & Pump Installation Standards (February 2004) which include but are not limited to the following conditions:

1. The Chairperson of the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, HI 96808, at least two (2) weeks before any work authorized by this permit commences and staff shall be notified in writing, according to §13-168-15, Hawaii Administrative Rules.

2. The well construction in accordance with the conditions of this permit must be completed within 90 days from the date this permit is issued.

PROPERTY NERIOD AUCTIONED OFF ON THURSDAY MARCH 10

SOUTHERN MAUNA KEA-SILVER HILLS, COUNTY OF MAUI PROPERTY TAX BILL NO. 201007100071 022725 24359 2

1. NO RESERVE, NO RESERVE, NO RESERVE, NO RESERVE, NO RESERVE

2. 12.9 ACRES.

3. 500 (LOT E - 605.561 acres)

4. JOHN

5. 900 (LOT E - 605.561 acres)

6. 600 (LOT E - 605.561 acres)

7. 500 (LOT E - 605.561 acres)

8. 400 (LOT E - 605.561 acres)

9. 300 (LOT E - 605.561 acres)

10. McAfee-John

11. Sale Date 09/24/2013

12. Payment Number 09-140368

13. 12.9 ACRES.

14. McAfee-John

15. Sale Date 09/24/2013

16. Payment Number 09-140368
January 7, 2005

Ref: 0355-05.wcp

Mr. Don Williams
Don Williams, LLC
P.O. Box 331
Maunaloa, HI 96770

Dear Mr. Williams:

Well Construction Permit
Makolelau-McAfee #1 (Well No. 0355-05)

Enclosed are two (2) copies of your approved Well Construction Permit for the captioned well(s) that authorize well construction activities but excludes installation work for your permanent pump. As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 13:

Special Conditions

1. Attached for your information is a copy of the Department of Health's (DOH) review comments. Please note DOH's requirements related to discharge of effluent from well drilling and testing activities.

2. Well depth shall not exceed one-fourth the theoretical aquifer thickness.

3. The well shall be cased to at least 90% of the depth from the ground to the top of the aquifer.

This permit does not authorize work for your permanent pump installation. Approval and issuance of your pump installation permit is contingent upon completed application and information provided to and accepted by Commission staff as required in the Well Construction & Pump Installation Standards (February 2004) and any special conditions performed under this permit. However, a permanent pump may be installed prior to the permanent pump installation permit issuance in accordance with the Commission's April 15, 1998 Declaratory Ruling No. DEC-ADM98-G5, which states that:

"Permanent pump installation for capacities between 0-70 gpm and where the proposed use is for private individual needs in non-ground-water management areas may be allowed prior to the final pump installation permit issuance. When required as a condition of the well construction permit, subsequent pumping tests shall validate the acceptability of the permanent pump. The permanent pump installed prior to final pump installation permit issuance is subject to removal if the testing shows that a smaller pump is required to reduce the potential of affecting neighboring wells and localized upconing at the applicant's well."
If you qualify and wish to take advantage of this ruling, please include a written request to install the permanent pump prior to final pump installation permit issuance when you return to us your signed well construction permit.

Please sign and have the contractor sign both permit originals and return one for our files. Also, copies of the aquifer pump test worksheet and the well completion report form are enclosed for your use.

**IMPORTANT** - Drilling work shall not commence until a fully signed permit is returned to the Commission. Please provide all the information in this packet to your well drilling contractor. The permittee, well operator, and/or well owner are responsible for all conditions of the permit. This includes ensuring that the well construction contractor, or other party who constructs the well(s), submits a completed Part I of the Well Completion Report form (enclosed) within sixty (60) days after the well construction work is completed. Be advised that you may be subject to fines of up to $5000 per day for any violations of your permit conditions starting from the permit approval date.

If you have any questions, please call Charley Ice of the Commission staff at 587-0251 or toll-free at 1-800-468-4644 extension 70251.

Sincerely,

Peter T. Young
Chairperson

Enclosures

c: Paul Frandsen
WELL CONSTRUCTION PERMIT

Makolela-McAfee #1, Well No. 0355-05

Note: This permit shall be prominently displayed at the site until the work is completed

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Section 13-168, entitled "Water Use, Wells, and Stream Diversion Works", this document permits the construction and testing of Makolela-McAfee #1 (Well No. 0355-05) at 50 ft. el., 7-mile marker, Manoa, Molokai, TMK 5-5-1:13, subject to the Hawaii Well Construction & Pump Installation Standards (February 2004) which include but are not limited to the following conditions:

1. The Chairperson of the Commission on Water Resource Management (Commission), P.O. Box 821, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work authorized by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules.

2. The well construction permit shall be for construction and testing of the well only. A minimum 1½-inch diameter monitor tube shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels. The permittee, well operator, and/or well owner shall coordinate with the Chairperson and conduct a pumping test in accordance with the Standards (a pump testing worksheet is attached). The permittee, well operator, and/or well owner shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump and withdraw water for use. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson.

3. In basal ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness (41 times initial head) of the basal ground water unless otherwise authorized by the Chairperson.

4. The permittee, well operator, and/or well owner shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to revegetate any cleared areas as soon as possible.

5. In the event that subsurface cultural remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee, well operator, and/or well owner shall stop work and contact the Department's Historic Preservation immediately.

6. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct the well shall not constitute a determination of correlative water rights.

7. The following shall be submitted to the Chairperson within sixty (60) days after completion of work:
   b. Elevation (referenced to mean sea level, msl) survey by a Hawaii-licensed surveyor.
   c. As-built sectional drawing of the well.
   d. Plot plan and map showing the exact location of the well.
   e. Complete pumping test records, including time, pumping rate, drawdown, chloride content, and other data.

8. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.

9. The well construction permit application is incorporated into this permit by reference and is subject to the Hawaii Well Construction & Pump Installation Standards (February 13, 2004; HWCPIS). If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.

10. The permit may be revoked by the Commission if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The work proposed in the well construction permit application shall be completed within two (2) years from the date of approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good-faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.

11. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee, well operator, and/or well owner must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.

12. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.

13. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

Date of Approval: December 8, 2004
Expiration Date: December 8, 2006

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and underlying condition of my ability to proceed and understand that I shall not commence work until I and the driller have signed, dated, and returned the permit to the Commission. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5000 per day starting from the permit date of approval.

Permittee's Signature: ___________________________ Date: ________
Printed Name: ___________________________ Firm or Title: ___________________________

Driller's Signature: ___________________________ C-57 License #: ___________ Date: ________
Printed Name: ___________________________ Firm or Title: ___________________________

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.

Attachment:

C: USGS
Department of Health/Safe Drinking Water, Wastewater, and Clean Water Branches
Molokai Department of Water Supply
Paul Frandsen
WELL NUMBER: 0355-05
WELL NAME: Makoleau-McAfee #1

ATTACHMENTS FOR WELL CONSTRUCTION PERMIT:
1. COVER LETTER
2. PERMIT (2x)
3. COMMENTS:
4. SDWB
5. WWB
6. CWB
7. LD
8. HP
9. PUMP TEST
10. WCR I FORM

ATTACHMENTS FOR PUMP INSTALLATION PERMIT:
1. COVER LETTER
2. PERMIT (2x)
3. SDWB
4. WWB
5. CWB
6. LD
7. HP
8. WCR II FORM
9. WUR FORM
10. WUR FORM

TO BE SENT TO APPLICANT
TO BE SENT TO APPLICANT
FOR OFFICE USE ONLY
FOR OFFICE USE ONLY

Past deadline
but we haven't approved yet.
Questions:
Will list sites be affected?

did not materialize
Land Dev. Comment:
- Why 8/24? (was 8/16)
- what about Dept comment - not enough info to comment there are still open.
none rec'd
December 15, 2004

Donald Williams
P.O.Box 331
Maunaloa HI 96770

Dear Mr. Williams:

Well Sites at Makolelau

Thank you for your letter dated December 5, 2004, clarifying the well locations of existing and proposed wells in Makolelau. We understand now that your applications include the modification of an existing well, Bruce Anglin Well #1, Well No. 0355-05, which shall hereafter be known as Makolelau-McAfee Well #1, and the drilling of a new well, Makolelau-McAfee #2 at the same site as previously proposed Well No. 0355-04.

We have requested an update from the Historic Preservation Division, and they report that they have not yet seen the archaeological report by your archaeologist. This is the only remaining obstacle in approving your well construction permits. Hopefully this can be remedied expeditiously.

If you have any questions, please call Charley Ice of the Commission staff at 587-0251 or toll-free at 1-800-468-4644 extension 70251.

Sincerely,

YVONNE Y. IZU
Deputy Director
Since the property has changed ownership and the ‘Anglins’ are no longer involved is it possible to move ahead and change the existing water well name to Makolelau Well #12. We综艺节目

Donald W. Williams
General Contractor
Po 331
Maunaloa, HI 96770
808.336-1388

December 5, 2004

State of Hawaii
Department of Land of Natural Resources
Commission on Water Resource Management
Po Box 621
Honolulu, Hawaii 96809

Attn: Yvonne Y. Izu, Deputy Director

RE: Makolelau Water Wells TMK# 2-5-5-01: 15 & 36

Dear Ms. Izu:

In response to your letter of 11/3/04 I have enclosed surveys and a copy of a portion of the USGS Quadrangle map of the same area referenced above. This should help us clear up the confusion.

The enclosed survey depicts:

1. The existing water well, in which we propose to reconstruct and develop.

2. Proposed new water wells # 2 & 3 in which we would like to drill and develop. Please note we are not applying for a well permit noted on the survey as #2 at this time. We will apply for this at a later date, as it is located in an SMA zone and will require further investigations and permits. We are requesting a permit for the well noted on the survey as #3 located on Lot ‘E’. I believe I may have called this well #2 on my application and it should probably remain #2. We can change the numbering of the wells on the survey to avoid future confusion.

As to whether or not the existing well shown is the same well known to you as Bruce Anglin #1, Well # 0355-05, your guess may be better than ours. As I understand it, the former owners (the Anglins) had applied for four water well permits. All we know for certain is that one of the water wells is as located on the Survey and Map.
MEMORANDUM

TO: Yvonne Izu, Deputy Director
Commission on Water Resource Management
[ATTN: Charley Iec]

FROM: P. Holly McEldowney, Administrator
Historic Preservation Division

SUBJECT: Chapter 6E-42 Historic Preservation Review of the Proposed Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)
Makolelau, Kona, Moloka'i
TMK: (2) 5-5-001:015

Our review is based on historic maps, aerial photographs, records, and reports maintained at the State Historic Preservation Division; no field inspection was made of the subject parcel. We received your request for review on July 21, 2004 and provide the following comments.

The applicant proposed to construct a well at Makolelau, Moloka'i. A portion of the subject parcel was included in an archaeological inventory survey reviewed and approved by our office in 1989 (Rosendahl & Walker. 1989. Archaeological Inventory Survey, Makolelau Development Project Area, Land of Makolelau, Molokai District, Island of Molokai). No historic sites were found on the portion of Parcel 15 that underwent survey. We cannot tell, however, from the submitted materials whether or not the proposed well site was included in the prior survey.

We recommend that the applicant submit additional materials in support of the application. These data should include the following items:

1. Area of Potential Effect (APE) shown on a USGS quad map or other appropriate map. Please include the site plan of the APE with locations of historic sites and their relation to roads, public views, etc. If well construction will also require the construction of an access road or other facilities, please show these things on the map of the APE, too.
2. The acreage of the APE:
3. Photographs of the existing conditions of the APE, and other pertinent subjects such as known historic properties;
4. A summary of historic properties known or thought to be within the APE. If any historic buildings are within the APE, please include date of construction or the age (known or an estimate), if known.
When we receive these data, we shall be better able to provide recommendations on historic preservation compliance. If it appears that the area proposed for the well construction was not included in the prior survey, we may recommend that a supplemental archaeological inventory survey be carried out prior to any construction.

Should you have any questions, please contact Sara Collins at 692-8026.

SC: sky

c: Michael Foley, Director, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Maui Cultural Resources Commission, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Lori Buchanan, Moloka'i Planning Commission, Dept of Planning, County of Maui, 250 S. High Street, Wailuku, HI 96793
July 19, 2004

TO: Dede Mamiya, Administrator
    Land Division

FROM: Yvonne Y. Izu, Deputy Director
      Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
          Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by August 6, 2004. If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

RESPONSE:

[ ] A water lease/permit is required of this applicant and an application for such will be requested by our division.

XX A water lease/permit is not required of this applicant.

[ ] A water lease/permit has been obtained by the applicant through lease no. __________________________.

XX This well project [ ] requires [ ] does not require a CDUP. If a CDUP is required it [ ] has [ ] has not been approved and [ ] is [ ] is not currently active.

[ ] Other relevant Land Division rules/regulations, information, or recommendations are attached.

[ ] No objections

XX Other comments: Original source of private title predates statehood.

Contact Person: Gary Martin      Phone: 587-0421

Signed: Gary Martin      Date: AUG 17, 2004
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.D. BOX 821
HONOLULU, HAWAII 96829

July 19, 2004

TO: Honorable Chiyoue L. Fukino, M.D., Director
    Department of Health
    Attention: Harold Yee, Wastewater Branch
                 William Wong, Safe Drinking Water Branch
                Dr. Keith Kawoaka, Hazardous Evaluation and Emergency Response
                Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
       Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
           Makoleau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by August 6, 2004. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

Cl: Attachment(s)

RESPONSE:

[ ] This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 20 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, Rules Relating to Potable Water Systems, §11-20-06.

[ ] This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if this well is used for drinking, the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

[ ] If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable supplies with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

[ ] It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

[ ] For the applicant's information, a source of possible wastewater contamination [file] is not located near the proposed well site (information attached).

[ ] An NPDES permit is required.

[ ] Other relevant DOI or other rules, regulations, information, or recommendations are attached.

[ ] No comments/objections

Contact Person: Bill Wong
Phone: 586-4258

Signed: Bill Wong
Date: 7/23/04
To: Commission on Water Resource Management
   Department of Land & Natural Resources
   State of Hawaii
Attn: Charley Iw

From: Lori Kajiwara
   Planning & Design Section
   Email: Lkajiwara@eha.health.state.hi.us

Subject: Well Construction/Pump Installation Permit/Water Use Permit for
   Well No. 0355-04 907 Makolelau McAfee

Please find enclosed the application of the above subject project.
July 19, 2004

TO: Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Attention: Harold Yee, Wastewater Branch
William Wong, Safe Drinking Water Branch
Dr. Keith Kawakita, Hazardous Evaluation and Emergency Response
Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by August 6, 2004. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

Cl:ss
Attachment(s)

RESPONSE:

1. This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, Rules Relating to Potable Water Systems, §11-20-29.

2. This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if the well water is used for drinking, the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

3. If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

4. It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water regulations.

5. For the applicant's information, a source of possible wastewater contamination [Yes] [No] is not located near the proposed well site (information attached).

6. An NPDES permit is required.

7. Other relevant DOH rules/regulations, information, or recommendations are attached.

Contact Person: Lori N. Kajiwara

No comments/objections No records

Signed: Lori N. Kajiwara

Phone: 7-22-2004
July 19, 2004

TO: Honorable Chiyoue L. Fukino, M.D., Director
   Department of Health
   Attention: Harold Yee, Wastewater Branch
   William Wong, Safe Drinking Water Branch
   Dr. Keith Kawaoka, Hazardous Evaluation and Emergency Response
   Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
       Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
       Makolea-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the patterns, plans, and objectives specific to your department. Please respond by returning this cover memo form by August 6, 2004. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

Class Attachment(s)

RESPONSE:

1. This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or 15 or more service connections) and must receive Director of Health approval citing to be used to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, Rules Relating to Potable Water Systems, §§11-26-28.

1. This well does not qualify as a source supplying a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and the well is used for drinking, the owner should test for bacteriological and chemical presence before using such water and routinely monitor the water quality thereafter. However, if future usage is to serve the public water system definition then Director of Health approval is required prior to implementation.

1. If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable pipes with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

1. It is not apparent that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

1. For the applicant's information, a source of possible wastewater contamination in its [] is not located near the proposed well site (information attached).

An NPDES permit is required.

Other relevant DOH rules/regulations, information, or recommendations are attached.

No comments/objections

Contact Person: Alec Wong
Phone: 586-4309
Date: 7/22/04

Signed: [Signature]
The Department of Health, Clean Water Branch has the following comments:

1. For Well-Drilling Activities

Any discharge to State waters of treated process wastewater effluent associated with well drilling activities is regulated by Hawaii Administrative Rules, Title 11, Chapter 55, Appendix I, effective September 22, 1997. Treated process wastewater effluent covered by this general permit includes well drilling slurries, lubricating fluids wastewaters, and well purge wastewaters. This general permit does not cover well pump testing. The applicable Notice of Intent Forms and filing fee shall be submitted at least thirty (30) days before the start of discharge to the Department of Health, Clean Water Branch at 919 Ala Moana Boulevard, Room 301, Honolulu, Hawaii 96814-4920 or P.O. Box 3378, Honolulu, Hawaii 96801-3378. Inquiries may be directed to the Clean Water Branch at (808) 586-4309 or by fax at (808) 586-4352.

2. For Well Pump Testing

The discharger shall take all measures necessary to prevent the discharge of pollutants from entering State waters. Such measures shall include, if necessary, containment of the initial discharge until the discharge is essentially free of pollutants. If the discharge is entering a stream or river bed, best management practices shall be implemented to prevent the discharge from disturbing the clarity of the receiving water. If the discharge is entering a storm drain, the discharger must obtain written permission from the owner of that storm drain prior to discharge. Furthermore, best management practices shall be implemented to prevent the discharge from collecting sediments and other pollutants prior to entering the storm drain.

JSkr
Memo to File: Makolelau Wells

We have an application from John McAfee (Don Williams, agent) for two wells, one a modification of an existing well, the second a proposed new well. Some confusion about these well locations and names begins with the driller having gotten the proposal confused on the applications (by comparison with several discussions with Don Williams)

What's on the record:

- The registration file report from Sterling Chow shows that the former owner, Bruce Anglin, had two wells registered for grid 0355: -04, proposed but not yet drilled; and -05, a dug well.

- The Well Index shows no 0355-04 info of any kind. It may never have been constructed. It shows -05 as “Bruce #1” or “Anglin B” (the registration file seeks to distinguish Calvin Anglin wells (“Anglin C”) from Bruce Anglin wells (“Anglin B”)

- The well map locates -04 at the approximate location of the proposed McAfee Well #2, so this well is perhaps the same one still being proposed. The location for -05 is too mauka of the road to be the existing well being proposed for modification as McAfee Well #1. The survey map transmitted for the McAfee wells shows a house near the location of the CWRM well map location for -05.

Notes from processing the applications:

A letter from Don Williams indicates he believed that Bruce Anglin had filed for four well permits. The registration file indicates that the Anglin family was registering five wells, one of which was constructed (0355-05, the dug well, “Anglin B Well #1), and four proposed wells, one in grid 0355, three of them in grid 0455.

From this, it seems reasonable to believe that -04 is the only new Anglin well proposed for this area, but it also seems that two wells may not be properly identified: one near the house, and one near the road. It is possible and reasonable to believe that they are one and the same, a victim of erroneous mapping, because even though the lat-long were provided in the registration report by Chow, the photo clearly shows the well next to the road.

Given these circumstances, I believe it is proper for us to maintain the numbers that had previously been assigned: 0355-04 for the proposed new well, and 0355-05 for the existing dug well. The existing well, known as Anglin B #1 will become known as Makolelau-McAfee #1, by request, and the proposed new well will be known as M-M Well #2, by request. This represents a modification of the numbers we had assigned in initial processing and also a change from the representations of the driller. There will no longer be a “0355-07”.

It also means that the well map should reflect that the “well” marked on the basemap is, in fact 0355-05, which means that the square marking it should be moved. I have supplied a map that clarifies my proposal. Please return all folders and I'll re-file.
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Check town Marion?

Mail file No 2 existing well? 0355-04? not on well index not registered. However, Bruce Auldwell well 0355-02 is on same DNA - could this be it? Registration identities begin well as 0355-02(?) 0355-02 (?) identified in well index as belonging to Foster Estate NICE TO D. 10.15.22 (International).
MEMO TO FILE:

Telcon w/ Sara Collins (HP) 24 Nov 04:
No communications with Don Williams or archaeological contractor since July 04

Telcon w/ Don Williams 24 Nov 04:
has letter to be sent soon: archaeologist should be filing a report soon;
he did receive CWRM ltr of 03 Nov 04, had survey done of well sites, will forward
waives 90-day deadline, to keep application alive while gathering other info

previous telcons with Robyn Loudermilk (Maui Planning) (unknown dates): left message only, requesting statement on applicability of SMA. No reply.
November 3, 2004

Mr. Don Williams  
Don W. Williams, LLC  
P.O. Box 331  
Maunaloa, HI 96770  

Dear Mr. Williams:

Well Sites at Makolelau

In response to your October 8, 2004 letter, we are transmitting a copy of the memo from the DLNR Historic Preservation Division outlining their information request. We understand that your archaeologist will be communicating with them, and we look forward to their further comment. In addition, we are anticipating a reply from the Maui Planning Department verifying that there are no Special Management Area requirements for the proposed new well. Meanwhile, perhaps you can help us clarify some confusion concerning wells on or near your parcels.

Your October 8, 2004 letter identifies Makolelau Well #1 as an existing well on “Lot D”. The map you supplied also marks an “existing water well” adjacent to the road on “Lot D”. We do not have a map corroborating that “Lot D” is the same as TMK: 5-5-1:15, but believe this to be the case. Do you have corroborating documentation to this effect? Our file information indicates an existing well on TMK: 5-5-1:15, called “Bruce (Anglin) #1”, Well No. 0355-05, but it is mapped more mauka on the parcel, nearer the “proposed house” depicted on your map. Is this possibly the same well, and should we correct our map to reflect that 0355-05 is in fact where you depict existing Makolelau #1? If so, we can also reflect a well name change from “Bruce #1” to “Makolelau #1”.

Your letter says “Makolelau Well #2 is to be a new well located on Lot E”. Your map shows a “proposed well” on “Lot E”, and your application indicates that a well will be located on TMK: 5-5-1:13, but calls it “Makolelau #1”. We believe that TMK: 5-5-1:13 is the same as your “Lot E”, but have no corroborating documentation. We believe the application should have referred to this well as “Makolelau Well #2”. Is that correct?

Your driller made an effort to locate the two wells on our map, and his depiction places the “new well” mauka of the well to be refurbished, both wells on TMK: 5-5-1:13. He also referred to the new well as Makolelau #1 and the refurbished well as Makolelau #2. We believe these representations to be in error, based on your letter, but it has caused some confusion here as we try to sort out the situation.
As previously noted, we had no information on the “Makolelau A” well (Well No. 0355-04), and at this point we are wondering what may be true about it. It appears on our map to be on TMK: 5-5-1:13 (“Lot E”?), and your driller depicted it there. He seemed to think it was the well to be refurbished. Is it one of the two wells mentioned in your letter, or an entirely different well?

If you have any questions, please call Charley Ice of the Commission staff at 587-0251 or toll-free at 984-2400, extension 70251.

Sincerely,

W. Roy Handy

YVONNE Y. IZU
Deputy Director
Yvonne Y. Izu
Deputy Director
State of Hawaii
Department of Land and Natural Resources
PO Box 621
Honolulu, HI 96809

RE: Makolelau-McAfee Wells 1 & 2 (Well Nos. 0355-07 & 04)

Dear Ms. Izu,

I am in receipt of your letter dated 10-16-2004 regarding the above referenced well construction/pump installation permit applications.

I do agree that this area is a sensitive archaeological region and with that in mind we are willing to provide any archaeological survey of the immediate area of the well locations. You have insinuated that the Historic Preservation Division has requested further information from us and is awaiting a response. To date I have not received any such request. Please provide me with the written request from either the Historic Preservation Division or your office.

I am not certain your office understands the applications made by me. Makolelau well No. 1 is an existing water well previously approved for drilling by your office for the previous owners of this property. I was merely wanting to “clean out” this well, properly develop it and proceed to comply with any additional state permits as needed. The archceological requirements obviously have been reviewed and approved by your office previously, prior to an original water well drilling permit issuance. Makolelau well No. 2 is to be a new well located on lot E. Incidentally Makolelau well no. 1 is on Lot D.
It may be in order for us to have an archaeological survey performed for the well No. 2 location on Lot E. Please advise!

As to item #2 of your letter, there has not been a cease and desist order issued by the office of Conservation and Coastal Lands on either Lot D or Lot E. The order was only concerning Lots L & M which are coastal conservation lots and independent from lots D & E.

As to item #3 of your letter these two independent lots, D & E, are not coastal lots requiring SMA’s. These two lots are across the highway and are again not in an SMA zone.

Given the options 1 & 2 of your letter, I am requesting that you take all the above information provided by me into consideration and waive any additional processing time limits and allow the commissions approval of our permits.

As your office has taken nearly the whole original 90 day processing time to respond thus far and several weeks additional time prior, I am respectfully requesting an early response.

Sincerely,

Don W. Williams

DWW/mbh

Cc: Carl E. McAfee, Esq.
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**DATE:** Oct 04

**PLEASE:**

- Review & Comment
- Type Draft
- Type Final
- File
- Xerox copies
- Take Action:
- Please See Me

**Editor:** (2nd time)

Let Yume review & sign.
Mr. Don Williams  
Don Williams, LLC  
P.O. Box 331  
Maunaloa, HI 96770

Dear Mr. Williams:

Well Construction/Pump Installation Permit Application  
Makolelau-McAfee Wells 1 & 2 (Well Nos. 0355-07 & 04)

Responses to your application indicate that this is a sensitive area for archaeological sites and that the Historic Preservation Division has requested further information, and still awaits a response, from you to assist their review. Further, we are informed that this property is subject to a cease and desist order from the Office of Conservation and Coastal Lands that has not yet been resolved. Finally, we have yet to receive a definitive response from the Maui Planning Department concerning Special Management Area (SMA) permit requirements.

Your application indicates that there are no archaeological requirements, nor SMA requirements, and these representations may be incorrect. Misrepresentation of facts on an application is grounds for denial, or revocation if discovered later (§174C-84(g)).

Three issues are outstanding before approving your permit:

1. Clearance from the Historic Preservation Division that they have determined that no impacts from well construction are likely, or that any well construction impacts can be reasonably mitigated;
2. Clearance from the Office of Conservation and Coastal Lands that the cease and desist order has been resolved; and
3. Clearance from the Maui Planning Department that any SMA requirements have been met.

Given these circumstances, there are two courses of action:

1. Acting within the 90 days allowed, your application will be denied without prejudice. You may re-submit your application when the above three issues are resolved or request a hearing before the Commission regarding this denial; or
2. You may waive the 90-day processing time-limit, and provide the requested information for making the appropriate determinations to allow Commission’s approval of your permit.

If you have any questions, please call Charley Ice of the Commission staff at 587-0251 or toll-free at 1-800-468-4644, extension 70251.

Sincerely,

[VONNE Y. IZU]
Deputy Director

Cl: ss
MEMORANDUM

TO: Yvonne Izu, Deputy Director
    Commission on Water Resource Management
    [ATTN: Charley Ice]

FROM: P. Holly McEldowney, Administrator
    Historic Preservation Division

SUBJECT: Chapter 6E-42 Historic Preservation Review of the Proposed Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)
Makolelau, Kona, Moloka‘i
TMK: (2) 5-5-001:015

Our review is based on historic maps, aerial photographs, records, and reports maintained at the State Historic Preservation Division; no field inspection was made of the subject parcel. We received your request for review on July 21, 2004 and provide the following comments.

The applicant proposed to construct a well at Makolelau, Moloka‘i. A portion of the subject parcel was included in an archaeological inventory survey reviewed and approved by our office in 1989 (Rosendahl & Walker. 1989. Archaeological Inventory Survey, Makolelau Development Project Area, Land of Makolelau, Molokai District, Island of Molokai). No historic sites were found on the portion of Parcel 15 that underwent survey. We cannot tell, however, from the submitted materials whether or not the proposed well site was included in the prior survey.

We recommend that the applicant submit additional materials in support of the application. These data should include the following items:

1. Area of Potential Effect (APE) shown on a USGS quad map or other appropriate map. Please include the site plan of the APE with locations of historic sites and their relation to roads, public views, etc. If well construction will also require the construction of an access road or other facilities, please show these things on the map of the APE, too.
2. The acreage of the APE;
3. Photographs of the existing conditions of the APE, and other pertinent subjects such as known historic properties;
4. A summary of historic properties known or thought to be within the APE. If any historic buildings are within the APE, please include date of construction or the age (known or an estimate), if known.
When we receive these data, we shall be better able to provide recommendations on historic preservation compliance. If it appears that the area proposed for the well construction was not included in the prior survey, we may recommend that a supplemental archaeological inventory survey be carried out prior to any construction.

Should you have any questions, please contact Sara Collins at 692-8026.

SC: sky

c: Michael Foley, Director, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
    Maui Cultural Resources Commission, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
    Lori Buchanan, Moloka‘i Planning Commission, Dept of Planning, County of Maui, 250 S. High Street, Wailuku, HI 96793
<table>
<thead>
<tr>
<th>FROM: ROY</th>
<th>TO: BAUER, G. INIT.</th>
<th>TO: MATHIAS, T. INIT.</th>
<th>FOR: Approval</th>
<th>PLEASE: See Me</th>
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<tr>
<td>TO: CHING, F. INIT.</td>
<td>TO: NAKAMA, L. INIT.</td>
<td>FOR: Signature</td>
<td>Review &amp; Comment</td>
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<td>TO: DANBARA, S. INIT.</td>
<td>TO: NAKANO, D. INIT.</td>
<td>FOR: Information</td>
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<td>TO: IZU, Y. INIT.</td>
<td>TO: YODA, K. INIT.</td>
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<td>TO: KUNIMURA, I. INIT.</td>
<td>TO: YOSHINAGA, M. INIT.</td>
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Comment: The comment deadline was 8/16. Should we have issued already? Almost 2 months for DTP comment!

Comment: Should let applicant know asap. (I wish DTP would contact directly. Don’t they want to work w/ people?)
Hi Charley -

We sent our comment memo to CRWM on August 26, 2004. I can fax you a copy if you like, but I have attached an electronic copy; basically, as you see, we asked for a bunch of information that is lacking from the application. Needless to say, we haven't received anything further from the applicant.

The contractor, Don Williams, sent me a copy of the prior archaeological report in early July, but no other information. I emailed him immediately with the same requests for information as contained in our memo to you folks, but have heard nothing since. Not a good sign.

While I have not yet seen an SMA for TMK: 5-5-1:15, there could definitely be HP issues with any development action on that parcel or the Makolelau lands, including well construction.

Maui County sent an inspector to Molokai yesterday to look into another grading/grubbing complaint I forwarded to them. The planning department told me that the inspector was investigating several cases, in addition to the one that concerns me. My case could be a disaster if it's true -- illegal grading & grubbing at TMK: 5-6-006:013, a parcel which includes the five heiau, and other significant sites, of the Hokukano-Ualapue National Register District.

Let me know if you need anything else.

Sara

P.S. My contacts on Molokai have told me that McAfee boasts openly about doing as he pleases with his property and then paying whatever fine he's assessed - it's all chump change to him, with his software billions.

A caller from Molokai says the parcel with well sites has many archaeological sites, and that you had sent
something in on it, but I haven't seen it yet. I'll be checking here, but just to let you know I'm looking for it and will be sure to give it a good look. The story goes that the applicant is a free-wheeling bulldozer and has dozed sites before and likes to bulldoze in the Conservation District w/o a permit, has a cease & desist order from Land Div. It sounds like the County will have something to say about the SMA, as well.

Sam, what can you tell us about the status of any projects? The applicant is John D. McAfee, the agent is Don W. Williams, and the parcel is 5-5-1:15, opposite Panahaha Fishpond in Makolelau.

Roy, to date, I have no responses at all.

Sam Lemmo sent this sealed message 9/29/64. I cannot forward or print it, but archived it:

"The landowner (McAfee) did some work on the makai parcel without a permit. Actually his agent (Don Williams) did the work. They were fined and ordered to remediate. (We still trying to get a closure report from DOCARE. The land makai of the road is not in the Conservation District until you get way up high. Then it turns to Conservation "protective subzone." Thus we would not be involved in any action on the makia land. I suggest that you all keep an eye on this one. (get the feeling that it's like contractor (not necessarily the landowner) is a shoot first and answer questions later kind of fellow."
Mr. Don Williams
Don Williams, LLC
P.O. Box 331
Maunaloa, HI 96770

Dear Mr. Williams:

**Well Construction/Pump Installation Permit Application for Well No. 0355-04 & 07**

We acknowledge receipt, on July 12, 2004, of your completed Well Construction/Pump Installation permit applications and filing fee for the Makolelau-McAfee Wells 2 & 1 (Well Nos. 0355-04 & 07). You can expect your application to be processed within ninety (90) days from this date.

For your information, the process of constructing a well is normally regulated and permitted in two (2) steps. First, a well construction permit is issued for drilling and testing purposes only. Based upon information provided by you through a Well Completion Report Part 1 (Well Construction), a pump installation permit (upon completed application) may then be issued to authorize pump work. If a pump is installed then a Well Completion Report Part 2 (Pump Installation) is required.

If you have any questions about your permit application, please contact Charley Ice of the Commission staff at 587-0251 or toll-free 1-800-468-4644, extension 70251.

Sincerely,

[Signature]

YVONNE Y. IZU
Deputy Director

Ct:ss

c: Paul Frandsen
TO: Holly McEldowney, Acting Administrator  
Historic Preservation  

FROM: Yvonne Y. Izu, Deputy Director  
Commission on Water Resource Management  

SUBJECT: Well Construction/Pump Installation Permit Application  
Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)  

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by August 6, 2004. If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

RESPONSE:

[ ] There may be areas in the vicinity of the well site that contain subsurface cultural remains such as artifacts, burials or concentrations of shells or charcoal.

[ ] Other relevant Historic Preservation rules/regulations, information, or recommendations are attached.

[ ] No objections

[ ] Other comments:

Contact Person: ____________________________ Phone: __________

Signed: ____________________________ Date: __________
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WELL NUMBER: 0355-04  
WELL NAME: Makolelaun A  
Folder maps revised

Attachments for Application Processing - Both applicant & staff generated

| 1 | Trans. Letter |
| 2 | CWRM Map |
| 3 | Appliance Form (Copies) |
| 4 | USGS Maps (5 Copies) |
| 5 | Tax Maps (6 Copies) |
| 6 | Parcel Owner Verif. |
| 7 | Contractor Verif. |
| 8 | All Info Filled In |
| 9 | Background Check |
| 10 | $25 Fee Deposit Slip |
| 11 | DHP, SMA, EA check |

Folder:  
Made New File Folder, Attached  
File Folder Already Made, In File Cabinet

Incomplete Action Dates:

<table>
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<th>Date</th>
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<td>26 May 04</td>
<td>Both</td>
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</table>

Background Check - Yellow Marks:

1. Franklin visited office, made correction info:

   2 wells - Well A to be modified, renamed Well *Z*
   
   Additional well to be done first, called Well #1 (?!)

Apologies:

- What about Mitch's comments?
- 0355-07 doesn't quite correct
- 0355-06 expired, no use, hand
- Send expirant notice, see Hagy letter
- See Hagy letter
- Disposition of

   - 0355-04 - Makolelaun A (not 13'd before this 06/14)
   - 0355-06 - expired
   - 0355-07 - had been mapped, but no reference anywhere - reuse number here for "Well #1" instead of 06 or 07
Mr. Don Williams
Don Williams, LLC
P.O. Box 331
Maunaloa, HI 96770

Dear Mr. Williams:

Well Construction/Pump Installation Permit Application for Well No. 0355-04 & 07

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If you have any questions about your permit application, please contact Charley Ice of the Commission staff at 587-0251 or toll-free 1-800-468-4644, extension 70251.

Sincerely,

YVONNE Y. IZU
Deputy Director

Cl:ss

c: Paul Frandsen
TO: Dede Mamiya, Administrator
Land Division
FROM: Yvonne Y. Izu, Deputy Director
Commission on Water Resource Management
SUBJECT: Well Construction/Pump Installation Permit Application
Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

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Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

RESPONSE:

[ ] A water lease/permit is required of this applicant and an application for such will be requested by our division.

[ ] A water lease/permit is not required of this applicant.

[ ] A water lease/permit has been obtained by the applicant through lease no. ________________________________.

[ ] This well project [ ] requires [ ] does not require a CDUP. If a CDUP is required it [ ] has [ ] has not been approved and [ ] is [ ] is not currently active.

[ ] Other relevant Land Division rules/regulations, information, or recommendations are attached.

[ ] No objections

[ ] Other comments:

Contact Person: ________________________________  Phone: __________________

Signed: ________________________________  Date: __________________
STATE OF HAWAI\'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAI\'I 96809

July 19, 2004

TO: Honorable Chiyoue L. Fukino, M.D., Director
               Department of Health
Attention: Harold Yee, Wastewater Branch
               William Wong, Safe Drinking Water Branch
               Dr. Keith Kawaoka, Hazardous Evaluation and Emergency Response
               Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
              Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
              Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump
Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or
inconsistencies with the programs, plans, and objectives specific to your department. Please
respond by returning this cover memo form by August 6, 2004. If we do not receive comments
or a request for additional review time by this date, we will assume that you have no comments.

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this permit application, request additional information, or request additional review time, please
contact Charley Ice of the Commission staff at 587-0251.

C: ss
Attachment(s)

RESPONSE:
[ ] This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people
    at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply

[ ] This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year
    or 15 service connection(s) and if the well water is used for drinking, the private owner should test for bacteriological and chemical
    presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source
    increases to meet the public water system definition then Director of Health approval is required prior to implementation.

[ ] If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and
    backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by
    clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention
    devices should be routinely inspected and tested.

[ ] It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

[ ] For the applicant's information, a source of possible wastewater contamination [] is not located near the proposed well site
    (information attached).

[ ] An NPDES permit is required.

[ ] Other relevant DOH rules/regulations, information, or recommendations are attached.

[ ] No comments/objections

Contact Person: ________________________________ Phone: ________________________________
Signed: ________________________________ Date: __________________________
July 19, 2004

TO: Dede Mamiya, Administrator
    Land Division

FROM: Yvonne Y. Izu, Deputy Director
      Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
         Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

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Class
Attachment(s)

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[ ] A water lease/permit is not required of this applicant.

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   [ ] has not been approved and [ ] is [ ] is not currently active.

[ ] Other relevant Land Division rules/regulations, information, or recommendations are attached.

[ ] No objections

[ ] Other comments:

Contact Person: ___________________________ Phone: ________________

Signed: ________________________________ Date: ________________
July 19, 2004

TO: Holly McEldowney, Acting Administrator
    Historic Preservation

FROM: Yvonne Y. Izu, Deputy Director
      Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
         Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

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Class
Attachment(s)

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[ ] There may be areas in the vicinity of the well site that contain subsurface cultural remains such as artifacts,
    burials or concentrations of shells or charcoal.

[ ] Other relevant Historic Preservation rules/regulations, information, or recommendations are attached.

[ ] No objections

[ ] Other comments:

Contact Person: ___________________________ Phone: ________________

Signed: ___________________________ Date: ________________
State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
APPLICATION FOR PERMIT

□ Well Construction and/or □ Pump Installation

Instructions: Please print in ink of type and send completed application with attachments to the Commission
on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96809. Application must be accompanied
by 5 copies and a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The
Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 587-0225.
For further information and updates to this application form, visit http://www.state.hi.us/dlnr/cwrm.

APPLICANT INFORMATION: (Fill out all three, if applicable, and place a check next to the primary contact)

1. (a) □ WELL OWNER: John D. McAfee  Contact Person: Don Williams  Phone: 808 336 1888
   Mailing Address: 260 Don Williams, LLC, P.O. Box 231, Maunaloa, HI 96771
   Fax: 808 557 0227
   E-mail: DWMS 808 @ AOL.com

(b) □ LAND OWNER: John D. McAfee  Contact Person: Don Williams  Phone: 808 336 1888
   Mailing Address: 260 Don Williams, LLC, P.O. Box 231, Maunaloa, HI 96771
   Fax: 808 562 0227
   E-mail: DWMS 808 @ AOL.com

(c) □ CONTRACTOR: American Drilling  Contact Person: Paul F. Jones  Phone: 808 685 6145
   Mailing Address: P.O. Box 7035, Kona, HI 96741
   Fax: E-mail: 

Lic #: C13121
(circle one: C-57, C-57a, or A)

WELL & PUMP INFORMATION: (Please fill in the diagram on the back of this form.)

2. WELL NAME: MAKolelau *1 Island: Molokai
   Address: Kamehameha Hwy. Tax Map Key: K 5 01 15
   Zone: Sec: Plat: Parcel:

3. PROPOSED WORK:
   (check all that apply)
   □ Construct New Well  □ Install New Pump*
   □ Modify Existing Well*  □ Modify Pump*
   □ Abandon/Seal*  
   *State Well No.: (if unknown, please call Commission at 587-0225)

4. CONSTRUCTION:
   □ Drilled  □ Dug  □ Shaft  □ Tunnel
   Is this well a part of a battery of wells? □ Yes  □ No (Please describe)

5. PROPOSED PUMPING RATE:
   (check all that apply)
   □ Municipal (including hotels, stores, etc.)  □ Industrial
   □ Domestic (individual, noncommercial water system)
   Does this well serve 25 or more people at least 60 days per year or have 15 or more service connections? □ Yes  □ No
   □ Irrigation (crop)  □ No of Acres:
   □ Military
   □ Other (explain):

6. PROPOSED USE:
   (check all that apply)
   □ Flowmeter  □ Open-Pipe  □ Weir  □ Orifice  □ Other(explain)

7. (a) PROPOSED AMOUNT OF WITHDRAWAL: 2880 gallons per day

(b) METHOD OF FLOW MEASUREMENT:

OTHER IMPORTANT INFORMATION:

8. LEGAL REQUIREMENTS: If required, these permits must be obtained before the Commission can legally issue a permit.
   Conservation District Use Permit (CDUP) To find out if a CDUP is necessary, call DLNR Land Division at 587-0414
   □ Not Required  □ If required, date approved ______
   Environmental Impact Statement (EIS) or Environmental Assessment (EA)
   To determine if an EIS or EA is necessary, call OEQC at 586-4185
   □ Not Required  □ If required, date published in OEQC bulletin ______
   Special Management Area Permit (SMAP) To determine if an SMAP is necessary; on Oahu, call 527-5374; on Hawaii, call 961-8268; for Maui
   county, call 270-7235; on Kauai, call 241-6677.
   □ Not Required  □ If required, date approved ______

9. ARCHEOLOGICAL REQUIREMENTS:
   To find out if an archeological work is required; on Oahu, call Elaine Jourdane at 692-8227; on Hawaii, call Mary Anne Maigret at 327-3690, for
   Maui county, call Cathy Daghert at 692-8223, on Kauai, call Nancy McMahon at 742-7033.
   □ Not Required  □ If required, please attach letter from DLNR Historic Preservation ______

10. REMARKS, EXPLANATIONS:

   (If more space is needed, please attach additional sheet)

NOTE: Signing below indicates the signatories understand and swear that the information provided on this application is accurate and true to the best
of their knowledge. Further, the signatories understand that approval of this application attaches the following standard conditions: 1) the proposed
work is to be completed within two (2) years of the approval date; 2) the contractor shall submit to the Commission a well completion/abandonment
report within 60 days after the completion date of the permitted work; 3) monthly water use data shall be submitted to the Commission; 4) such approval
shall not constitute a determination of correlative water rights and shall not guarantee the pump capacity or future use up to the permitted pump
capacity; 5) in the event that the application is not completed correctly, any permit may be suspended until the item is brought in to compliance, and
any work done while the permit is in suspension may result in fines of up to $1000/day.

Well Owner: John D. McAfee  Contractor: Paul Frankland
Landowner: John D. McAfee  Signature: Signature: 
Signature: Date: 05-12-04  Date: 03-14-04

For official use only
Latitude: Aquifer System No.: State Well No.
Longitude: 

WCPIPA Form 7/17/03
10. PROPOSED WELL SECTION

( Please attach schematic if different from diagram provided below )

Elevation at top of casing 7D ft, msl* 

Minimum of 2' Radius & 4' Thick Concrete Pad (to contain benchmark surveyed to nearest 0.01 ft.)

Ground Elevation: 48 ft, msl*

Cement Grout: 40 ft. (min. 70% of distance from ground elevation to top of water surface or 500 ft., whichever is less.)

Annular space between hole and casing (min.3"): 3 in.

Rock or Gravel Packing: 

Material: 

- Crushed Basalt
- Rounded Gravel

Total Depth 70 ft.

Estimated Water Level Elevation: 5D ft, msl*

Solid Casing: (2 x 90% x (Ground Elev - Water Level Elev))

- Total Length: __ ft.
- Nominal Diameter: __ in.
- Wall Thickness: __ in.
- Bottom Elevation: __ ft, msl*

Open Casing: □ Perforated □ Screen

- Total Length: __ ft.
- Nominal Diameter: __ in.
- Wall Thickness: __ in.
- Bottom Elevation: __ ft, msl*

Note: Neither bentonite nor mud should be used in saturated zone during drilling.

Open Hole:

- Length: __ ft.
- Diameter: __ in.
- Bottom Elevation: -48 ft, msl*

*The approximate elevation must be referenced to mean sea level (msl) at the time of application filing. Final elevations of well components shall be submitted in the Well Completion/Well Abandonment reports and referenced to a benchmark which has been established by a surveyor licensed by the State.

For non-salt water Basalt Wells - bottom elevation of well should not be deeper than 1/4 of aquifer thickness or,

Bottom Elevation of Well Limit = (Water Elevation - 1/4 Water Level Elevation)

Example: Estimated + 2 ft. Water Level Elev. → Bottom Elevation of Well Limit = (2 - 1/4) = -18.5 ft.

Solid Casing Material:

Carbon Steel: compliant with (check one or more):

- ANSI/AMW A C200
- API Spec. 5L
- ASTM A53
- Other
- ASTM A139

And compliant with (check one or more):

- ASTM A242
- Type E
- Type S
- Grade B
- Other

Stainless Steel: (check one):

- ASTM A409 (production wells)
- ASTM A312 (monitor wells)

ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one) □ Schedule 40 □ Schedule 80

PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one): □ Schedule 40 □ Schedule 80 □ Schedule 120

Thermoset Plastic: (check one):

- Filament Wound Resin Pipe conforming to ASTM D2996
- Centrifugally Cast Resin Pipe conforming to ASTM D2997
- Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
- Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
- PTFE Fluorocarbon Tubing conforming to ASTM D3296
- FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing Material: □/□

Carbon Steel: compliant with (check one or more):

- ANSI/AMW A C200
- API Spec. 5L
- ASTM A53
- Other
- ASTM A139

And compliant with (check one or more):

- ASTM A242
- Type E
- Type S
- Grade B
- Other

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- FEP Fluorocarbon Tubing conforming to ASTM D3296
State of Hawaii  
COMMISSION ON WATER RESOURCE MANAGEMENT  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
APPLICATION FOR PERMIT  

☐ Well Construction and/or  ☐ Pump Installation

Instructions: Please print in ink or type and send completed application with attachments to the Commission on Water Resource Management, P.O. Box 261, Honolulu, Hawaii 96809. Application must be accompanied by 5 copies and a non-refundable filing fee of $25.00 payable to the Dept. of Land and Natural Resources. The Commission may not accept incomplete applications. For assistance, call the Regulation Branch at 867-0225.

For further information and updates to this application form, visit http://www.state.hi.us/dlnr/cwrm.

APPLICANT INFORMATION: (Fill out all three, if applicable, and place a check next to the primary contact)

1. (a) ☐ WELL OWNER: John D. McGee  
   Contact Person: D. W. Williams  
   Phone: 808-336-1388
   Mailing Address: Box D.W. Williams, LLC, P.O. Box 331, Maunaloa, HI 96770
   Fax: 808-552-0227
   E-mail: D.WM.808@Aol.com

(b) ☐ LAND OWNER: John D. McGee  
   Contact Person: D. W. Williams  
   Phone: 808-336-1388
   Mailing Address: Box D.W. Williams, LLC, P.O. Box 331, Maunaloa, HI 96770
   Fax: 808-552-0227
   E-mail: D.WM.808@Aol.com

(c) ☐ CONTRACTOR: American Drilling  
   Contact Person: Paul Fransen  
   Phone: 808-685-6145
   Mailing Address: 2035 Aia Ave., HI 96701
   Fax: 808-685-6145
   E-mail: P.O. 13131
   Lic #: C.13131 (circle one: C-57, C-67a, or A)

WELL & PUMP INFORMATION: (Please fill in the diagram on the back of this form.)

2. WELL NAME: Makolealau 
   Island: Molokai  
   Address: Kamehameha Hwy.  
   Tax Map Key: 5-5-01
   Zone: 5  
   Sec: 5  
   Plat: 01  
   Parcel: 13

Attach: (a) portion of a 7.5-Minute Series USGS topographic map (scale 1:24,000) with well location labeled and include the name of the quad map
(b) a property tax map, showing well location referenced to established property boundaries

3. PROPOSED WORK: (check all that apply)
   ☐ Construct New Well  ☐ Install New Pump*
   ☐ Modify Existing Well*  ☐ Modify Pump*
   ☐ Abandon/Seal*  

   "State Well No:___. (If unknown, please call Commission at 587-0225)

4. CONSTRUCTION:  
   ☐ Drilled  ☐ Dug  ☐ Shaft  ☐ Tunnel
   Is this well part of a battery of wells? ☐ Yes ☐ No (Please describe) 

5. PROPOSED PUMPING RATE: 20 gallons per minute

6. PROPOSED USE: (check all that apply)  
   ☐ Municipal (including hotels, stores, etc.)  ☐ Industrial
   ☐ Domestic (individual, noncommercial water system)

   Does this well serve 25 or more people at least 60 days per year or have 15 or more service connections? ☐ Yes ☐ No
   ☐ Irrigation (crop)  ☐ Military  ☐ Other (explain):  

   No. of Acres: ___.

7. (a) PROPOSED AMOUNT OF WITHDRAWAL: 2880 gallons per day
   (b) METHOD OF FLOW MEASUREMENT: ☐ Flowmeter  ☐ Open-pipe  ☐ Weir  ☐ Office  ☐ Other (explain):  

OTHER IMPORTANT INFORMATION:

8. LEGAL REQUIREMENTS: If required, these permits must be obtained before the Commission can legally issue a permit.
   Conservation District Use Permit (CDUP) To find out if a CDUP is necessary, call DLNR Land Division at 587-0414
   ☐ Not Required  ☐ If required, date approved ___.

   Environmental Impact Statement (EIS) or Environmental Assessment (EA) To determine if an EIS or EA is necessary, call OEOC at 586-4165
   ☐ Not Required  ☐ If required, date published in OEOC bulletin ___.

   Special Management Area Permit (SMAP) To determine if a SMAP is necessary: on Oahu, call 527-5374; on Hawaii, call 961-8288; for Maui county, call 270-7235; on Kauai, call 241-6977.
   ☐ Not Required  ☐ If required, date approved ___.

9. ARCHEOLOGICAL REQUIREMENTS: To find out if an archeological work is required: on Oahu, call Elaine Jourdain at 692-8027; on Hawaii, call Mary Anne Meigert at 327-3690; for Maui county, call Cathy Gagnier at 696-8023; on Kauai, call Nancy McMahon at 742-7033.
   ☐ Not Required  ☐ If required, please attach letter from DLNR Historic Preservation ___.

10. REMARKS, EXPLANATIONS:

   (If more space is needed, please attach additional sheet)

   NOTE: Signing below indicates the signatories understand and swear that the information provided on this application is accurate and true to the best of their knowledge. Further, the signatories understand that approval of this application attaches the following standard conditions: 1) the proposed work is to be completed within two (2) years of the approval date; 2) the contractor shall submit to the Commission a well completion/abandonment report within 60 days after the completion date of the permitted work; 3) monthly water use data shall be submitted to the Commission; 4) such work shall constitute a determination of correlative water rights and shall not guarantee the pump capacity or future use up to the permitted pump capacity; 5) in the event that the application is not completed correctly, any permit may be suspended until the item is brought in to compliance, a work done while the permit is in suspension may result in fines of up to $1000/day.

   Well Owner: John D. McGee  
   Landowner: John D. McGee  
   Contractor: Paul Fransen
   Signature: ___.
   Signature: ___.
   Signature: ___.
   Date: ___.
   Date: ___.
   Date: ___.

For official use only
   Latitude: ___.  
   Longitude: ___.  
   Aquifer System No: ___.  
   State Well No: ___.
10. PROPOSED WELL SECTION (Please attach schematic if different from diagram provided below)

Hole Diameter: \( \frac{10}{\text{in.}} \) (estimated)

Elevation at top of casing \( \frac{10}{\text{ft. msl^*}} \)

Minimum of 2 Radius & 4" Thick Concrete Pad (to contain benchmark surveyed to nearest 0.01 ft.)

Ground Elevation: \( \frac{48}{\text{ft. msl^*}} \)

Cement Grout: \( \frac{40}{\text{ft.}} \) (min. 70% of distance from ground elevation to top of water surface or 500 ft. whichever is less.)

Annular space between hole and casing (min. 3"):

<table>
<thead>
<tr>
<th>Material</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crushed Basalt</td>
</tr>
<tr>
<td>Rounded Gravel</td>
</tr>
</tbody>
</table>

Rock or Gravel Packing:

Total Depth \( \frac{70}{\text{ft.}} \)

Estimated Water Level:

Elevation: \( \frac{52}{\text{ft. msl^*}} \)

Solid Casing: (> 90% x (Ground Elev.-Water Level Elev))

<table>
<thead>
<tr>
<th>Total Length</th>
<th>Nominal Diameter</th>
<th>Wall Thickness</th>
<th>Bottom Elevation</th>
</tr>
</thead>
<tbody>
<tr>
<td>( \frac{22}{\text{ft.}} )</td>
<td>( \frac{7}{\text{in.}} )</td>
<td>( \frac{10}{\text{in.}} )</td>
<td>( \frac{32}{\text{ft. msl^*}} )</td>
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Open Casing: □ Perforated □ Screen

<table>
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<td>( \frac{32}{\text{ft. msl^*}} )</td>
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</table>

Open Hole:

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<th>Length</th>
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</tr>
</thead>
<tbody>
<tr>
<td>( \frac{20}{\text{ft.}} )</td>
<td>( \frac{6}{\text{in.}} )</td>
<td>( \frac{48}{\text{ft. msl^*}} )</td>
</tr>
</tbody>
</table>

* The approximate elevation must be referenced to mean sea level (msl) at the time of application filing. Final elevations of well components shall be submitted in the Well Completion/Well Abandonment reports and referenced to a benchmark which has been established by a surveyor licensed by the State.

For non-salt water Basal Wells - bottom elevation of wall should not be deeper than 1/4 of aquifer thickness or,

\[ \text{Bottom Elevation of Well Limit} = \left( \frac{\text{Water Elevation} - \text{Elevation of Water Level Elev}}{4} \right) \]

Example: Estimated + 2 ft. Water Level Elev. → Bottom Elevation of Wall Limit = \( \left( \frac{2 - \frac{41}{4}}{4} \right) = -18.5 \) ft.

Solid Casing Material:

- Carbon Steel: compliant with (check one or more):
  - ANSI/AWWA C200
  - API Spec. 5L
  - ASTM A53
  - ASTM A139
  - ASTM A242
  - Type E
  - Type S
  - Grade B
  - Other

- Stainless Steel: (check one):
  - ASTM A409 (production wells)
  - ASTM A512 (monitor wells)

ABS Plastic conforming to ASTM F480 and ASTM D1527, (check one):

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Thermoset Plastic: (check one)

| Filament Wound Resin Pipe conforming to ASTM D2996 |
| Centrífugally Cast Resin Pipe conforming to ASTM D2997 |
| Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517 |
| Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950 |
| PTFE Fluorocarbon Tubing conforming to ASTM D3296 |
| FEP Fluorocarbon Tubing conforming to ASTM D3296 |

Open Casing Material:

- Carbon Steel: compliant with (check one or more):
  - ANSI/AWWA C200
  - API Spec. 5L
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<td>TO: CHING, F.</td>
<td>INIT:</td>
<td>TO: NAKANO, D.</td>
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<tr>
<td>TO: DANBARA, S.</td>
<td>INIT:</td>
<td>TO: OHYE, M.</td>
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<tr>
<td>TO: FUJII, N.</td>
<td>INIT:</td>
<td>TO: SAKODA, E.</td>
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<td>TO: GOODIN, K.</td>
<td>INIT:</td>
<td>TO: STAHL, K.</td>
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<td></td>
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<td>TO: SUBIA, S.</td>
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<tr>
<td></td>
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<td>TO: SWANSON, S.</td>
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<tr>
<td></td>
<td></td>
<td>TO: UYENO, D.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TO: YODA, K.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TO: YOSHINAGA, M.</td>
</tr>
</tbody>
</table>

**Comment:**
- waiver of deadline confirmed by phone 24 Nov 04
- deadline waiver confirmed by phone
- response (ir from applicant dated 08 Oct 04
- rec'd 18 Oct of expressing desire for decision, not waiver
- our FTR dated 03 Nov 04 (and questions about which weeks were which)

**Note:**
- Did not receive 90 day comments. How can we follow up? Sounds like we deny (based on? Did not get private well site archeological report?). See me.
- Does this allow waiving 90 day?
- Also, did we send notice of holding it up due to confusion? (I think we did - I need date of this letter for database).
550010380000 (LOT L- 8.970 acres)
MAKOLELAU-KAMALO
MCAFEE JOHN
Sale Date
06/25/2003
Sale Amount
$1,250,000
Instrument Number
03-140265

550010360000 (LOT M- 8.105 acres)
MAKOLELAU-KAMALO
MCAFEE JOHN
Sale Date
06/25/2003
Sale Amount
$1,250,000
Instrument Number
03-140265
HIGHLIGHTS

Lot D: 515.75 ± Acres with 1,300 ± Ft. Frontage on Highway 450 • Covered in Native Vegetation • Numerous Waterfalls • Mountain Streams
• Entire Property Surrounded by Breathtaking Ocean Views • Power Available on Main Road • Zoned Agriculture • Property May be Sub-Divided into Tracts with Proper Permits & Approval

Lot E: 506.46 ± Acres with 700 ± Ft. Frontage on Highway 450 • Covered in Native Vegetation • Numerous Waterfalls • Mountain Streams
• Entire Property Surrounded by Breathtaking Ocean Views • Power Available on Main Road • Zoned Agriculture • Property May be Sub-Divided into Tracts with Proper Permits & Approval

Lot F: 6.16 ± Acres with 725 ± Ft. Frontage with Partial Ownership in Ancient Hawaiian Fish Pond Known as Kauai Fish Pond • 750 ± Ft. Frontage on Highway 450 • Covered in Native Vegetation • Breathtaking Ocean Views • Power Available on Main Road • Zoned for 1 Main Home & 1 Guest Home

Lot G: 8.97 ± Acres with 1,075 ± Ft. Beach/Ocean Frontage • 530 ± Ft. Frontage with Partial Ownership in Ancient Hawaiian Fish Pond Known as Panahaha Fish Pond • 1,100 ± Ft. Frontage on Highway 450 • Covered in Native Vegetation • Breathtaking Ocean Views • Power Available on Main Road • Zoned for 1 Main Home & 1 Guest Home

Lot H: 8.10 ± Acres with 1,430 ± Ft. Beach/Ocean Frontage • 1,300 ± Ft. Frontage with Partial Ownership in Ancient Hawaiian Fish Pond Known as Panahaha Fish Pond • 1,125 ± Ft. Frontage on Highway 450 • Covered in Native Vegetation • Breathtaking Ocean Views • Power Available on Main Road • Zoned for 1 Main Home & 1 Guest Home

TERMS: Lots K, L & M (Oceanfront Homesites) — 10% down with $25,000 per lot being in certified funds.
Lot D & E (40± Acres Total) — 10% down with $25,000 per acre being in certified funds. Entirely — 10% down with $100,000 being in certified funds. Closing in 60 days. 14% Percent Guaranteed Owner Financing Available under the following terms: 6.25% interest for 15 years and balloon at year 15.

AUCTION SITE: Available with the sale of the property. fly away.

PRE-SALE INSPECTION: Property Inspection Fee $100 to be refunded at closing.

BROKER: Hawaiian Estates

DIRECTIONS:
Leave Molokai Airport and drive east on Hwy. 460 approximately 12 miles to the town of Kamakakal. At the intersection of Hwys. 450/460, take Hwy. 450 East. Property is located 3/10 of a mile past mile marker 6. Property is located on both sides of road.

NOTE: 40x22 Services, Inc. • 833-222-8822 • Fax: 410-222-8822 • 9437

Fax 04.05.06 P3
The ad for the auction, which will be held on March 10, billed the property as “John McAfee’s Historic Oceanfront Plantation,” giving the impression to some that he had owned the parcel for a long time. The land was described as having beachfront tracts, ancient Hawaiian fishponds, a sandy beach, beautiful waterfalls, “excellent development potential” and “spectacular homesites” while being surrounded by ocean views of Maui and Lanai. The company handling the sale, the National Auction Group Inc., based in Alabama, claims to feature “America’s Trophy Property Auctioneers.”

McAfee, who owns other land on Molokai, couldn’t be reached for comment, but in an interview published last week in the Molokai Island Times, he said he was surprised at the reaction. He also said he was selling the land because he needs the money. He said most of his money has been invested in trusts to support anti-alcohol and anti-drug programs.

The Molokai Island Times is a new publication on Molokai, which reportedly is supported by McAfee.

Ritte said he had yet to meet McAfee. Hanohano Naehu, whose family lives in Waialua, described McAfee as “arrogant” with “an attitude” during an encounter on the East End.

In the Molokai Island Times interview, McAfee sounded defiant at times.

“As to the future – I will not be leaving,” he told the newspaper. “I will not be moved, bullied or intimidated. I am here and if that fact is uncomfortable for anyone, then come and see me, talk to me or simply learn to live with it.”

Egusa said it was never her intention that McAfee leave.

“No one is trying to force him to leave,” she said. “I think he just doesn’t understand the whole picture. He doesn’t understand why people like me got upset.”

Ritte said Hui Ho’opakele ’Aina hopes the auction can be stopped. Ritte said he hasn’t been able to contact McAfee personally, but has left word with the Molokai Island Times, where one of McAfee’s nephews works, about the upcoming meeting. “Hopefully, another effect will be him sitting down with people and caring about impacts on others in the community,” said Ritte.

“Right now he’s only concerned about one person and that’s himself.”

Valerie Monson can be reached at vmonson@maunews.com.
Copyright © 2004 The Maui News.
Transmitting map of two wells at Makolelanu for John McAfee (Don Williams, agent)

Note that new information has clarified well numbers from what you saw before: 0355-07 is now -04.

Does this help identify the work sites with respect to survey mapping you may already have.
Assessed Values reflect tax year 2004

### PUBLIC RECORD DATA

<table>
<thead>
<tr>
<th>Taxkey</th>
<th>Subdiv/Condo</th>
<th>Tnr Address</th>
<th>Owner/Lessee</th>
<th>Bds Bths</th>
<th>Land area</th>
<th>Liv area</th>
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<td>2-5-5-1-15</td>
<td>F KAM V</td>
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<td>QD</td>
<td>$1,250,000</td>
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</tbody>
</table>

This information has been supplied by third parties and has not been independently verified by Hawaii Information Service and is, therefore, not guaranteed.
October 28, 2010

Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, HI 96793

Dear Mr. Hart:

Request for Extension of Well Construction Permit
Makolelau-McAfee Well #1 (Well No. 0355-05)

Thank you for your letter dated October 14, 2010, clarifying your client Alpha & Omega Holdings, LLC desire to keep the permit active, although the work is not expected to be done in the near future. Your expectation is that the project may proceed some time in the next 18 months to 2 years.

The permits for well construction and pump installation carry a 2-year period life before they expire. In this situation, however, the Commission has issued a letter of assurance, pending selection of a licensed contractor, and there is no expiration date on this, though conditions 1 to 4 must be met. As a procedural matter, when the project is ready to proceed and a licensed contractor is selected, have the contractor sign the original application to indicate familiarity with the project as circulated for review and conditionally approved. The permits for well construction and pump installation will be issued to the contractor at that time, with a 2-year duration.

If you have any questions, please contact Charley Ice of our staff at (808) 587-0218 or toll free from Maui at 984-2400, extension 70218.

Sincerely,

LENORE N. OHYE
Acting Deputy Director
This letter confirms our telephone conversation of October 13, 2010.

Background: On October 7, you called my office to inquire regarding the status of the above referenced project proposed by Alpha Omega Holdings, LLC. After researching our project file and discussing the matter with our Client’s Attorney, Mr. Terrence Lee, Esq. of Bickerton, Lee Dang & Sullivan. We discussed the matter further on October 13, as follows:

Conversation: Our Client does want to pursue drilling and developing Well No. 0355-05; however, due to the impacts of the worldwide recession, it is not possible to pursue the project, at this time.

Therefore, we discussed the possibility of a further Time Extension, and it is my understanding, that if we continue to follow the procedures defined in the enclosed December 4, 2006, Extension of Well Construction Permit and Letter of Assurance letters, we could have approximately eighteen (18) additional months within which to proceed.

I trust the foregoing is an accurate report of our conversation, and unless I hear otherwise, we will proceed as directed in the Extension of Well Construction Permit and Letter of Assurance.
November 21, 2006

Mr. Peter Young, Chairman
State Water Commission
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Young:

Re: Request for Extension of a Well Construction Permit (Well No. 0355-05), TMK 5-5-01: 13, 15, 22, 36, 38 and portions of 21 and 39, Makolelau, Island of Molokai.

As consultant for landowner, Alpha Omega Holdings, I respectfully request a two (2) year time extension on the subject Well Construction Permit. This time extension request is prompted by high construction cost estimates. Because well drilling machinery must be brought over to Molokai, we are trying to coordinate the subject well construction with other similar projects on the island, in order to achieve cost efficiencies. It is anticipated that well construction can occur within a two (2) year period.

I appreciate your assistance on this matter. Please contact me, if you have any questions.

Sincerely,

Christopher L. Hart, ASLA
President

Cc: Michael Sherman
    Paul Horikawa, Esq.
December 4, 2006

0355-04.1oa

Mr. Christopher L. Hart
1955 Main Street, Ste. 200
Wailuku, HI 96793

Dear Mr. Hart:

Letter of Assurance for Well No. 0355-04

We are extending your Well Construction/Pump Installation Permit. In accordance with the State Water Code, §174C-84(a), a contractor is required to obtain a permit. Under current procedures, the extended permit is being issued as a Letter of Assurance, awaiting a licensed contractor's signature.

Once you have selected a contractor, the contractor shall sign and return to the Commission a copy of the original application, upon which well construction and pump installation permits will be issued provided that the following conditions are met:

1. The contractor has no outstanding issues with the Commission.
2. There are no significant changes to the application.
3. There have been no significant changes to applicable laws, rules or regulations since the application date.
4. There have been no significant changes to hydrogeologic conditions since the application date.

Also, attached for your information are copies of comments from reviewing agencies.

If you have any questions, please contact Charley Ice of the Commission staff at 587-0251 or toll-free at 984-2400 extension 70251.

Sincerely,

[Signature]

DEAN A. NAKANO
Acting Deputy Director

C: ss
Enclosure
TO: State of Hawaii Commission  
on water resource management  
Department of Land & Natural Resource

RE: Makolelau, Molokai Hawaii  
TMK # 2-5-5-01 Parcel # 15

Dear Sirs,

Please find enclosed two water well applications with related documents concerning:

1. The renovation of the existing “hand dug” water well known as Makolelau well ‘A’  
2. Drilling new water well to be known as Makolelau #1 which will be drilled on lot E.

Currently the existing water well is located on lot #D. We would like to bring the existing well to standards by casing the well with a 16” steel encasement & concreting a 6” diameter casing in the center and install a submersible pump to draw the water.

Please review the enclosed documents and contact me if you need any further information.

Thank you

Don W. Williams
December 3, 2007

Mr. Paul Frandsen
American Drilling
P.O. Box 2035
Aiea, HI 96701

Dear Mr. Frandsen:

Expiration of Well Construction Permits
Makolelau-McAfee Wells 1 & 2 (Well Nos. 0355-04 & 05)

Please be advised that the captioned permits have expired and will be cancelled from the Commission Bulletin. No further work should be done under these permits, subject to penalties of up to $5,000 under the Water Code.

If you have any questions, please contact Charley Ice of our staff at (808) 587-0251.

Sincerely,

KEN C. KAWAHARA, P.E.
Deputy Director

Cl:ss
<table>
<thead>
<tr>
<th>Complaint No.</th>
<th>Name</th>
<th>Type</th>
<th>Filed</th>
<th>End Date</th>
<th>Complaint Description</th>
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</thead>
<tbody>
<tr>
<td>C03-06</td>
<td>Beverly Kanemaru, Audry Yo</td>
<td>reduced strfl</td>
<td>7/3/2003</td>
<td>10/21/2003</td>
<td>Users of an Auwai from Waolani Stream reported auwai drying up. Source of Auwai on parcel ewa side of Waolani Str just above Oahu Cemetery. A 2nd Auwai takes water from the diamondhead side of stream. Issue might be within the stream channel. Related complaint re trespassing by CWRM staff w/o prior notification. By Edward P. Gabriel.</td>
</tr>
<tr>
<td>C03-12</td>
<td>Tim Johns</td>
<td>Alleged fill</td>
<td>12/8/2003</td>
<td></td>
<td>Phone message from Tim Johns with concerns about Roberts filling in an area eroded during recent flooding. If done improperly, could cause flooding? Checked with Dede and Charlene re land ownership. C&amp;C tmk site indicates Roberts owns the parcel makai of Mokumoa St. along Moanalua Stream. ETS(12/9/03).</td>
</tr>
<tr>
<td>C04-06</td>
<td>Donovan M. Dela Cruz</td>
<td></td>
<td>1/28/2004</td>
<td></td>
<td>Letter from Council Chair Dela Cruz asking the DLNR to &quot;cleanup&quot; the &quot;buildup and accumulation of trash and debris at Pokiwi Stream.&quot; Ed checked the TMK. No state land involved. There is a drainage easement (does not say to whom). Michelle said she would check with the C&amp;C to see if they had the easement responsibility.</td>
</tr>
<tr>
<td>C04-10</td>
<td>Gracie Wilson</td>
<td>Violation</td>
<td>5/7/2004</td>
<td></td>
<td>Illegal well drilling - ? STATUS - no file - what is it? MLE no longer lets Bruce Anglin as a landlord no record of this complaint except on their db.</td>
</tr>
<tr>
<td>C04-12</td>
<td>City and County of Honolulu</td>
<td>Waste</td>
<td>6/2/2004</td>
<td></td>
<td>Takiguchi Well (Well No. 2201-02, WUP Nos. 495 and 500) is leaking and causing flooding at the West Loch Golf Course. Lenore to set up field investigation to verify facts.</td>
</tr>
</tbody>
</table>

6 recorded complaints

**Tuesday, October 19, 2004**
February 14, 2005

Aloha Charlie:

Happy Valentines Day.

Enclosed are a couple of pages from sales brochure associated with the McAfee Plantation land auction. I received it from the auction company in Alabama.

As you can see the brochure advertises “excellent development potential” for “spectacular homesites”.

No mention of water on the property, except that “this dreamy refuge offers ....cascading water falls and flowing streams”. This of course is fiction except possibly for intermittent flows in heavy rains at which time these are flash water falls and flowing streams as there are all over the island during heavy rains.

Also enclosed is copy of recent article on McAfee controversy that appeared in 02/09/05 Maui News.

Mr. McAfee’s auction company says that there are wells permits for the two 500-acre lots and that on the three oceanfront parcels the owner will have to drill a well and that generally water can be reached at about the 20 foot depth.

Most on island figured McAfee didn't have any water on the property and if he wanted a permit from the State a public hearing would have to be held on Molokai. People were concerned that McAfee was granted ‘well construction permits” for the two 500 acre parcels TMKs 5-5-01:13 and 15

There is a community meeting tonight regarding this project that is being held at Mitchell Pauole Center in Kaunakakai.

It would be helpful if I could get some follow-up info about the status of McAfee’s well applications sometime today so that the community can have a better understanding of the project's total scope.

Will call you this morning to discuss this request.

Thanks

DeGray
Molokai community in uproar over land auction

By VALERIE MONSON, Staff Writer

Wednesday, February 09, 2005 THE MAUI NEWS

KAUNAKAKAI – When computer software virus pioneer John McAfee put 1,000 acres of Molokai land on a national auction block recently, he had no idea of the dirt he was about to kick up.

On Monday at 6 p.m., while many will be enjoying romantic dinners to celebrate Valentine’s Day, Molokai residents will come together to stand up for what they love the most: the land. The community meeting at Mitchell Pauole Center to discuss the pending sale will be sponsored by the grass-roots organization Hui Ho’opakele ‘Aina.

“That’s what Hui Ho’opakele ‘Aina means – protect the land,” said Walter Ritte, who is a leader of the group that was successful two years ago in protesting against cruise ships making stops on Molokai.

“This is another threat to our land. When word got out about the sale, we kept hearing people saying ‘What are we going to do? Why don’t we do something?’ This is our response to those comments.”

McAfee bought 1,046 acres between Kawela and Kamalo east of Kaunakakai less than two years ago. Because he was donating to local causes and seemed to genuinely want to make Molokai his home, many residents took a liking to him.

Once the sale was announced in a Wall Street Journal ad last month, however, some of those same residents felt betrayed.

“I got upset because I think he can be a real asset to our community,” said Crystal Egusa, who operates Friendly Market grocery that has been in her husband’s family for 50 years. “People are moving here anyway and it’s always been our hope that these people will embrace Molokai the way it is and be a part of the community.”

Egusa was taken aback when she heard that McAfee had put the land he only recently purchased up for sale.

“My first reaction was: how irresponsible,” said Egusa. “When you buy land on Molokai or anywhere, it becomes yours. It’s like when you adopt a child, that child is yours. You don’t just auction it off to the highest bidder just because things aren’t going your way.”
THE NATIONAL AUCTION GROUP, INC.®
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ABSOLUTE AUCTION

MOLOKA'I HAWAI'I

JOHN McAFEE'S HISTORIC OCEANFRONT PLANTATION

1,000± Acres
BEACHFRONT TRACTS
ANCIENT HAWAIIAN FISH PONDS & SANDY BEACH
EXCELLENT DEVELOPMENT POTENTIAL
SPECTACULAR HOMESITES

THURSDAY, MARCH 10

FIRST CLASS MAIL
U.S. POSTAGE PAID
Permit No. 1
BIRMINGHAM, AL
COMMISSION ON WATER RESOURCE MANAGEMENT

FROM: ROY
TO: INIT.
BAUER, G.
CHING, F.
DANBARA, S.
FUJII, N.
GOODING, K.
HARDY, R.
HIGA, D.
ICE, C.
IMATA, R.
IZU, Y.
KUNIMURA, I.

DATE: FEB - 7 2005

INIT.

NAKAMA, L.
NAKANO, D.
OHYE, M.
SAKODA, E.
STAHLE, K.
SUBIA, S.
SWANSON, S.
UYENO, D.
YODA, K.
YOSHINAGA, M.

FOR: Approval
Signature
Information

PLEASE:
See Me
Review & Comment
Take Action
Type Draft
Type Final
File
Xerox _____ copies

(11/04)
WELL CONSTRUCTION PERMIT
Makolelau-McAfee #1, Well No. 0355-05

Note: This permit shall be prominently displayed at the site until the work is completed.

In accordance with Department of Land and Natural Resources, Commission on Water Resource Management's Administrative Rules, Makolelau-McAfee #1 (Well No. 0355-05) at 50 ft. el., 7-mile marker, Mana'e, Molokai, TMK 5-5-1:15, subject to the Hawaii Well Construction & Pump Installation Standards (February 2004) which include but are not limited to the following conditions:

1. The Chairperson of the Commission on Water Resource Management (Commission), P.O. Box 621, Honolulu, Hi 96803, writing, at least two (2) weeks before any work authorized by this permit commences and staff shall be present for inspection to the extent possible. The Chairperson of the Commission may authorize the release of work if it is determined that the work is not in violation of this permit. Written notice of any violation shall be given at least 10 days before any work is authorized.

2. The well construction shall be completed in accordance with §13-168-15, Hawaii Administrative Rules.

PROPERTY AUCTIONED OFF 20TH THURSDAY MARCH 10
	SQ. FT. 
MCAFE-BAXLEY 7.3 ACRES.

THREE OCEANFRONT LOTS WITH A MEDITERRANEAN STYLE HOUSE PLUS TWO FISH CASUALTIES, TOTALING 12.5 ACRES.

INTEREST IN

Lot A (LOT A - 615.75 acres)

John

Lot B (LOT B - 615.75 acres)

Lot C (LOT C - 304.17 acres)

Lot D (LOT D - 603.91 acres)

Lot E (LOT E - 603.91 acres)

Lot F (LOT F - 603.91 acres)

Lot G (LOT G - 603.91 acres)

Lot H (LOT H - 603.91 acres)

Lot I (LOT I - 603.91 acres)

Lot J (LOT J - 603.91 acres)

Lot K (LOT K - 6.118 acres)

MCAFE-JOHNSON

Sale Date: 05/22/2005

Deed book number 09-140266
January 7, 2005

Ref:0355-05.wcp

Mr. Don Williams
Don Williams, LLC
P.O. Box 331
Maunaloa, HI 96770

Dear Mr. Williams:

Well Construction Permit
Makolelau-McAfee #1 (Well No. 0355-05)

Enclosed are two (2) copies of your approved Well Construction Permit for the captioned well(s) that authorize well construction activities but excludes installation work for your permanent pump. As part of the Chairperson's approval, the following special conditions were added and are part of your permit under Permit Condition 13:

**Special Conditions**

1. Attached for your information is a copy of the Department of Health's (DOH) review comments. Please note DOH's requirements related to discharge of effluent from well drilling and testing activities.
2. Well depth shall not exceed one-fourth the theoretical aquifer thickness.
3. The well shall be cased to at least 90% of the depth from the ground to the top of the aquifer.

This permit does not authorize work for your permanent pump installation. Approval and issuance of your pump installation permit is contingent upon completed application and information provided to and accepted by Commission staff as required in the Well Construction & Pump Installation Standards (February 2004) and any special conditions performed under this permit. However, a permanent pump may be installed prior to the permanent pump installation permit issuance in accordance with the Commission's April 15, 1998 Declaratory Ruling No. DEC-ADM98-G5, which states that:

"Permanent pump installation for capacities between 0-70 gpm and where the proposed use is for private individual needs in non-ground-water management areas may be allowed prior to the final pump installation permit issuance. When required as a condition of the well construction permit, subsequent pumping tests shall validate the acceptability of the permanent pump. The permanent pump installed prior to final pump installation permit issuance is subject to removal if the testing shows that a smaller pump is required to reduce the potential of affecting neighboring wells and localized upconing at the applicant's well."
If you qualify and wish to take advantage of this ruling, please include a written request to install the permanent pump prior to final pump installation permit issuance when you return to us your signed well construction permit.

Please sign and have the contractor sign both permit originals and return one for our files. Also, copies of the aquifer pump test worksheet and the well completion report form are enclosed for your use.

**IMPORTANT** - Drilling work shall not commence until a fully signed permit is returned to the Commission. Please provide all the information in this packet to your well drilling contractor. The permittee, well operator, and/or well owner are responsible for all conditions of the permit. This includes ensuring that the well construction contractor, or other party who constructs the well(s), submits a completed Part I of the Well Completion Report form (enclosed) within sixty (60) days after the well construction work is completed. Be advised that you may be subject to fines of up to $5000 per day for any violations of your permit conditions starting from the permit approval date.

If you have any questions, please call Charley Ice of the Commission staff at 587-0251 or toll-free at 1-800-468-4644 extension 70251.

Sincerely,

Peter T. Young
Chairperson

Enclosures

c: Paul Frandsen
WELL CONSTRUCTION PERMIT

Makolela-McAfee #1, Well No. 0355-05

Note: This permit shall be prominently displayed at the site until the work is completed.

In accordance with the Department of Land and Natural Resources, Commission on Water Resource Management’s Administrative Rules, Section 13-168, entitled “Water Use, Wells, and Stream Diversion Works,” this document permits the construction and testing of Makolela-McAfee #1 (Well No. 0355-05) at 50 ft. el., 7-mile marker, Mana'e, Molokai, TMK 5-5-1:15, subject to the Hawaii Well Construction & Pump Installation Standards (February 2004) which include but are not limited to the following conditions:

1. The Chairperson of the Commission on Water Resource Management (Commission), P.O. Box 821, Honolulu, HI 96809, shall be notified, in writing, at least two (2) weeks before any work authorized by this permit commences and staff shall be allowed to inspect installation activities in accordance with §13-168-15, Hawaii Administrative Rules.
2. The well construction permit shall be for construction and testing of the well only. A minimum 1¼-inch diameter monitor tube shall be permanently installed, in a manner acceptable to the Chairperson, to accurately record water levels. The permittee, well operator, and/or well owner shall coordinate with the Chairperson and conduct a pumping test in accordance with the Standards (a pump testing worksheet is attached). The permittee, well operator, and/or well owner shall submit to the Chairperson the test results as a basis for supporting an application to install a permanent pump and withdraw water for use. No permanent pump may be installed until a pump installation permit is approved and issued by the Chairperson.
3. In basal ground water, the depth of the well may not exceed one-fourth (1/4) of the theoretical thickness (41 times initial head) of the basal ground water unless otherwise authorized by the Chairperson.
4. The permittee, well operator, and/or well owner shall incorporate mitigation measures to prevent construction debris from entering the aquatic environment, to schedule work to avoid periods of high rainfall, and to revegetate any cleared areas as soon as possible.
5. In the event that subsurface cultural remains such as artifacts, burials or concentrations of shells or charcoal are encountered during construction, the permittee, well operator, and/or well owner shall stop work and contact the Department’s Historic Preservation Office immediately.
6. The proposed well construction shall not adversely affect existing or future legal uses of water in the area, including any surface water or established instream flow standards. This permit or the authorization to construct the well shall not constitute a determination of correlative water rights.
7. The following shall be submitted to the Chairperson within sixty (60) days after completion of work:
   b. Elevation (referenced to mean sea level, msl) survey by a Hawaii-licensed surveyor.
   c. As-built sectional drawing of the well.
   d. Plot plan and map showing the exact location of the well.
   e. Complete pumping test records, including time, pumping rate, drawdown, chloride content, and other data.
8. The permittee, well operator, and/or well owner shall comply with all applicable laws, rules, and ordinances; non-compliance may be grounds for revocation of this permit.
9. The well construction permit application is incorporated into this permit by reference and is subject to the Hawaii Well Construction & Pump Installation Standards (February 19, 2004; HWCPIS). If the HWCPIS are not followed and as a consequence water is wasted or contaminated, a lien on the property may result.
10. The permit may be revoked by the Commission if work is not started within six (6) months after the date of approval or if work is suspended or abandoned for six (6) months, unless otherwise specified. The work proposed in the well construction permit application shall be completed within two (2) years from the date of permit approval, unless otherwise specified. The permit may be extended by the Chairperson upon a showing of good cause and good faith performance. A request to extend the permit shall be submitted to the Chairperson no later than three (3) months prior to the date the permit expires. If the commencement date is not met, the Commission may revoke the permit after giving the permittee, well operator, and/or well owner notice of the proposed action and an opportunity to be heard.
11. If the well is not to be used it must be properly capped. If the well is to be abandoned then the permittee, well operator, and/or well owner must apply for a well abandonment permit in accordance with §13-168-12(f) prior to any well sealing or plugging work.
12. The permittee, its successors, and assigns shall indemnify, defend, and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, or death arising out of any act or omission of the applicant, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit.
13. Special conditions in the attached cover transmittal letter are incorporated herein by reference.

Date of Approval: December 8, 2004
Expiration Date: December 8, 2006

PETER T. YOUNG, Chairperson
Commission on Water Resource Management

I have read the conditions and terms of this permit and understand them. I accept and agree to meet these conditions as a prerequisite and under the condition of my ability to proceed and understand that I shall not commence work until I and the driller have signed, dated, and returned the permit to the Commission. I also understand that non-compliance with any permit condition may be grounds for revocation and fines of up to $5000 per day starting from the permit date of approval.

Permittee’s Signature: ____________________________ Date: ____________________________

Printed Name: ____________________________ Firm or Title: ____________________________

Driller’s Signature: ____________________________ C-57 License #: ____________________________ Date: ____________________________

Printed Name: ____________________________ Firm or Title: ____________________________

Please sign both copies of this permit, return one to the Chairperson, and retain the other for your records.

Attachment:

USGS
Department of Health’s Safe Drinking Water, Wastewater, and Clean Water Branches
Molokai Department of Water Supply
Paul Frandsen
**COMMISSION ON WATER RESOURCE MANAGEMENT**

**ROUTE SLIP FOR PERMIT ISSUANCE**

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<tr>
<th>FROM: CHARLEY</th>
<th>DATE: 08 Sep 04</th>
<th>SUSPENSE DATE:</th>
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<td>MATHIAS, T.</td>
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<td>FUJII, N.</td>
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<td>NAKANO, D.</td>
<td></td>
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<td>GOODING, K.</td>
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<td>IZU, Y.</td>
<td></td>
<td>1-10-04</td>
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<td>OHYE, M.</td>
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<td>SWANSON, S.</td>
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<td></td>
<td>UYENO, D.</td>
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<td>JINNAI, R.</td>
<td></td>
<td>YODA, K.</td>
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WELL NUMBER: 0355-05

WELL NAME: Makolelau-McAfee #1

**WELL CONSTRUCTION**

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<tr>
<td>9 PUMP TEST</td>
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TO BE SENT TO APPLICANT

FOR OFFICE USE ONLY

**PUMP INSTALLATION**

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<td>10 WUR FORM</td>
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</tbody>
</table>

TO BE SENT TO APPLICANT

FOR OFFICE USE ONLY

---

Part deadline
but we haven't approved yet. Question is:
Will his sites be affected?

---

Did not materialize.
Land Div. Comment.

Why 8/16/24 & 8/16?
What about Div's comment - not enough info to connect. Question is still open.
None rec'd.
December 15, 2004

Donald Williams
P.O.Box 331
Maunaloa HI 96770

Dear Mr. Williams:

Well Sites at Makolelau

Thank you for your letter dated December 5, 2004, clarifying the well locations of existing and proposed wells in Makolelau. We understand now that your applications include the modification of an existing well, Bruce Anglin Well #1, Well No. 0355-05, which shall hereafter be known as Makolelau-McAfee Well #1, and the drilling of a new well, Makolelau-McAfee #2 at the same site as previously proposed Well No. 0355-04.

We have requested an update from the Historic Preservation Division, and they report that they have not yet seen the archaeological report by your archaeologist. This is the only remaining obstacle in approving your well construction permits. Hopefully this can be remedied expeditiously.

If you have any questions, please call Charley Ice of the Commission staff at 587-0251 or toll-free at 1-800-468-4644 extension 70251.

Sincerely,

YVONNE Y. IZU
Deputy Director
Page 2  December 5, 2004

Since the property has changed ownership and the 'Anglins' are no longer involved is it possible to move ahead and change the existing water well name to Makolelau Well #13. We agree with  

Donald W. Williams  
General Contractor  
Po 331  
Maunaloa, HI 96770  
808.336-1388  

December 5, 2004  

State of Hawaii  
Department of Land of Natural Resources  
Commission on Water Resource Management  
Po Box 621  
Honolulu, Hawaii 96809  

Attn: Yvonne Y. Izu, Deputy Director  

RE: Makolelau Water Wells TMK# 2-5-5-01: 15 & 36  

Dear Ms. Izu:  

In response to your letter of 11/3/04 I have enclosed surveys and a copy of a portion of the USGS Quadrangle map of the same area referenced above. This should help us clear up the confusion.  

The enclosed survey depicts:  

1. The existing water well, in which we propose to reconstruct and develop.  

2. Proposed new water wells # 2 & 3 in which we would like to drill and develop. Please note we are not applying for a well permit noted on the survey as #2 at this time. We will apply for this at a later date, as it is located in an SMA zone and will require further investigations and permits. We are requesting a permit for the well noted on the survey as #3 located on Lot 'E'. I believe I may have called this well #2 on my application and it should probably remain #2. We can change the numbering of the wells on the survey to avoid future confusion.  

As to whether or not the existing well shown is the same well known to you as Bruce Anglin #1, Well # 0355-05, your guess may be better than ours. As I understand it, the former owners (the Anglins) had applied for four water well permits. All we know for certain is that one of the water wells is as located on the Survey and Map.
MEMORANDUM

TO: Yvonne Izu, Deputy Director
Commission on Water Resource Management
[ATTN: Charley Jeel]

FROM: P. Holly McEldowney, Administrator
Historic Preservation Division

SUBJECT: Chapter 6E-42 Historic Preservation Review of the Proposed Makolelau-McAfee Wells 2 & 1 (Well No. 03SS-04 & 07)
Makolelau, Kona, Molokai
TMK: (2) 5-5-001:015

Our review is based on historic maps, aerial photographs, records, and reports maintained at the State Historic Preservation Division. No field inspection was made of the subject parcel. We received your request for review on July 21, 2004 and provide the following comments.

The applicant proposed to construct a well at Makolelau, Molokai. A portion of the subject parcel was included in an archaeological inventory survey reviewed and approved by our office in 1989 (Rosendahl & Walker. 1989. Archaeological Inventory Survey, Makolelau Development Project Area, Land of Makolelau, Molokai District, Island of Molokai). No historic sites were found on the portion of Parcel 15 that underwent survey. We cannot tell, however, from the submitted materials whether or not the proposed well site was included in the prior survey.

We recommend that the applicant submit additional materials in support of the application. These data should include the following items:

1. Area of Potential Effect (APE) shown on a USGS quad map or other appropriate map. Please include the site plan of the APE with locations of historic sites and their relation to roads, public views, etc. If well construction will also require the construction of an access road or other facilities, please show these things on the map of the APE, too.
2. The acreage of the APE;
3. Photographs of the existing conditions of the APE, and other pertinent subjects such as known historic properties;
4. A summary of historic properties known or thought to be within the APE. If any historic buildings are within the APE, please include date of construction or the age (known or an estimate), if known.
When we receive these data, we shall be better able to provide recommendations on historic preservation compliance. If it appears that the area proposed for the well construction was not included in the prior survey, we may recommend that a supplemental archaeological inventory survey be carried out prior to any construction.

Should you have any questions, please contact Sara Collins at 692-8026.

SC: sky

c: Michael Foley, Director, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Maui Cultural Resources Commission, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Lori Buchanan, Moloka'i Planning Commission, Dept of Planning, County of Maui, 250 S. High Street, Wailuku, HI 96793
TO: Dede Mamiya, Administrator
Land Division

FROM: Yvonne Y. Izu, Deputy Director
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

Transmitted for your review and comment is a copy of the captioned Well
Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the
programs, plans, and objectives specific to your division. Please respond by returning this
cover memo form by August 6, 2004. If we do not receive comments or a request for
additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions
about this permit application, request additional information, or request additional review time,
please contact Charley Ice of the Commission staff at 587-0251.

RESPONSE:

[ ] A water lease/permit is required of this applicant and an application for such will be requested by our
division.

XXD A water lease/permit is not required of this applicant.

[ ] A water lease/permit has been obtained by the applicant through lease no. ________________.

XXD This well project [ ] requires [X] does not require a CDUP. If a CDUP is required it [ ] has
[ ] has not been approved and [ ] is [ ] is not currently active.

[ ] Other relevant Land Division rules/regulations, information, or recommendations are attached.

[ ] No objections

XXD Other comments: Original source of private title predates statehood:

Contact Person: Gary Martin
Phone: 587-0421

Signed: Gary Martin
Date: AUG 17 2004
STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 921
HONOLULU, HAWAII 96809

July 19, 2004

TO: Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Attention: Harold Yee, Wastewater Branch
William Wong, Safe Drinking Water Branch
Dr. Keith Kawakoe, Hazardous Evaluation and Emergency Response
Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by August 6, 2004. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

Contact Person: Bill Wong
Phone: 586-4258
Signed: Bill Wong
Date: 7/23/04
Wastewater Branch
919 Ala Moana Blvd. Room 309
Honolulu, Hawaii 96814-4920
Phone (808) 586-4294  Fax (808) 586-4300

STATE MESSENGER DELIVERY

Date:       July 23, 2004

To:         Commission on Water Resource Management
            Department of Land & Natural Resources
            State of Hawaii

Attn:       Charley Ice

From:       Lori Kajiwara
            Planning & Design Section
            Email: Lkajiwara@eha.health.state.hi.us

Ph 586-4290 direct line
Fax 586-4300

Subject:    Well Construction/Pump Installation Permit/Water Use Permit for
            Well No. 0355-04 907 Makolelau McAfee'

Please find enclosed the application of the above subject project.

STATE MESSENGER DELIVERY
July 19, 2004

TO: Honorable Chiyome L. Fukino, M.D., Director
   Department of Health
   Attention: Harold Yee, Wastewater Branch
              William Wong, Safe Drinking Water Branch
              Dr. Keith Kawaoka, Hazardous Evaluation and Emergency Response
              Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
      Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
         Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by August 6, 2004. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

Class
Attachment(s)

RESPONSE:

[ ] This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, Rules Relating to Potable Water Systems, §11-20-29.

[ ] This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if the well water is used for drinking, the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

[ ] If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

[ ] It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water regulations.

[ ] For the applicant's information, a source of possible wastewater contamination [ ] is [] not located near the proposed well site (information attached).

[ ] An NPDES permit is required.

[ ] Other relevant DOH rules/regulations, information, or recommendations are attached.

No comments/no objections

Contact Person: Lori N. Kajiwara

Signed: [Signature]

Phone: [Redacted]
Date: 7-22-2004
July 19, 2004

TO: Honorable Chiyome L. Fukino, M.D., Director
Department of Health
Attention: Harold Yee, Wastewater Branch
William Wong, Safe Drinking Water Branch
Dr. Keith Kawaoka, Hazardous Evaluation and Emergency Response
Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Makoalau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by August 6, 2004. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

Class: Attachment(s)

RESPONSE:

[1] This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (H.A.R.), Title 11, Chapter 26, Rules Relating to Potable Water Systems, §11-20-58.

[1] This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if the well water is used for drinking, the private owner should test for microbiological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from the source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

[1] If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable systems with warning signs to prevent unintended consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

[1] It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

[1] For the applicant's information, a source of possible wastewater contamination [ ] is [] not located near the proposed well site (information attached).

[1] An NPDES permit is required.

[1] Other relevant DOH rules/ regulations, information, or recommendations are attached.

[1] No comments/rejections

Contact Person: Alec Wong Phone: 808-480-586
Signed: Alec Wong Date: July 19, 2004
The Department of Health, Clean Water Branch has the following comments:

1. For Well-Drilling Activities

Any discharge to State waters of treated process wastewater effluent associated with well drilling activities is regulated by Hawaii Administrative Rules, Title 11, Chapter 55, Appendix I, effective September 22, 1997. Treated process wastewater effluent covered by this general permit includes well drilling slurry, lubricating fluids wastewaters, and well purge wastewaters. This general permit does not cover well pump testing. The applicable Notice of Intent Forms and filing fee shall be submitted at least thirty (30) days before the start of discharge to the Department of Health, Clean Water Branch at 919 Ala Moana Boulevard, Room 301, Honolulu, Hawaii 96814-4920 or P.O. Box 3378, Honolulu, Hawaii 96801-3378. Inquiries may be directed to the Clean Water Branch at (808) 586-4309 or by fax at (808) 586-4352.

2. For Well Pump Testing

The discharger shall take all measures necessary to prevent the discharge of pollutants from entering State waters. Such measures shall include, if necessary, containment of the initial discharge until the discharge is essentially free of pollutants. If the discharge is entering a stream or river bed, best management practices shall be implemented to prevent the discharge from disturbing the clarity of the receiving water. If the discharge is entering a storm drain, the discharger must obtain written permission from the owner of that storm drain prior to discharge. Furthermore, best management practices shall be implemented to prevent the discharge from collecting sediments and other pollutants prior to entering the storm drain.

JS/cr
Memo to File: Makolelau Wells

We have an application from John McAfee (Don Williams, agent) for two wells, one a modification of an existing well, the second a proposed new well. Some confusion about these well locations and names begins with the driller having gotten the proposal confused on the applications (by comparison with several discussions with Don Williams)

What's on the record:

- The registration file report from Sterling Chow shows that the former owner, Bruce Anglin, had two wells registered for grid 0355: -04, proposed but not yet drilled; and -05, a dug well.

- The Well Index shows no 0355-04 info of any kind. It may never have been constructed. It shows -05 as “Bruce #1” or “Anglin B” (the registration file seeks to distinguish Calvin Anglin wells (“Anglin C”) from Bruce Anglin wells (“Anglin B”)

- The well map locates -04 at the approximate location of the proposed McAfee Well #2, so this well is perhaps the same one still being proposed. The location for -05 is too mauka of the road to be the existing well being proposed for modification as McAfee Well #1. The survey map transmitted for the McAfee wells shows a house near the location of the CWRM well map location for -05.

Notes from processing the applications:

A letter from Don Williams indicates he believed that Bruce Anglin had filed for four well permits. The registration file indicates that the Anglin family was registering five wells, one of which was constructed (0355-05, the dug well, “Anglin B Well #1), and four proposed wells, one in grid 0355, three of them in grid 0455.

From this, it seems reasonable to believe that -04 is the only new Anglin well proposed for this area, but it also seems that two wells may not be properly identified: one near the house, and one near the road. It is possible and reasonable to believe that they are one and the same, a victim of erroneous mapping, because even though the lat-long were provided in the registration report by Chow, the photo clearly shows the well next to the road.

Given these circumstances, I believe it is proper for us to maintain the numbers that had previously been assigned: 0355-04 for the proposed new well, and 0355-05 for the existing dug well. The existing well, known as Anglin B #1 will become known as Makolelau-McAfee #1, by request, and the proposed new well will be known as M-M Well #2, by request. This represents a modification of the numbers we had assigned in initial processing and also a change from the representations of the driller. There will no longer be a “0355-07”.

It also means that the well map should reflect that the “well” marked on the basemap is, in fact 0355-05, which means that the square marking it should be moved. I have supplied a map that clarifies my proposal. Please return all folders and I'll re-file.
Please: See Me
Review & Comment
Take Action
Type Draft
Type Final
File
Xerox copies

FROM: ROY
TO: BAUER, G.
    CHING, F.
    DANBARA, S.
    FUJII, N.
    GOODING, K.
    HARDY, R.
    HIGA, D.
    ICE, C.
    IMATA, R.
    IZU, Y.
    KUNIMURA, I.
INIT: MATHIAS, T.
    NAKAMA, L.
    NAKANO, D.
    OHYE, M.
    SAKODA, E.
    STAHL, K.
    SUBIA, S.
    SWANSON, S.
    UYENO, D.
    YODA, K.
    YOSHINAGA, M.
DATE: OCT 18 2004
SUSPENSE DATE:

Approval
Signature
Information

Approval
Signature
Information

Check town
Mamaton?

Mail for No. 7 existing well? 0355-04? Not on well
index nor registered. However, Bruce anew well 0355-05
is on same TRK - could this be it? Registration
identities begin well or 0355-02(?) 0355-02
(6 0355-01) identified in well index as belonging to Foster
Estate (1950 to 1960+)

FOR: 
PLEASE: 

Please: See Me
Review & Comment
Take Action
Type Draft
Type Final
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Xerox copies

Please: See Me
Review & Comment
Take Action
Type Draft
Type Final
File
Xerox copies
MEMO TO FILE:

Telcon w/ Sara Collins (HP) 24 Nov 04:
No communications with Don Williams or archaeological contractor since July 04

Telcom w/ Don Williams 24 Nov 04:
has letter to be sent soon: archaeologist should be filing a report soon;
he did receive CWRM ltr of 03 Nov 04, had survey done of well sites, will forward
waives 90-day deadline, to keep application alive while gathering other info

previous telcons with Robyn Loudermilk (Maui Planning) (unknown dates): left message only,
requesting statement on applicability of SMA. No reply.
November 3, 2004

Mr. Don Williams
Don W. Williams, LLC
P.O. Box 331
Maunaloa, HI 96770

Dear Mr. Williams:

Well Sites at Makolelau

In response to your October 8, 2004 letter, we are transmitting a copy of the memo from the DLNR Historic Preservation Division outlining their information request. We understand that your archaeologist will be communicating with them, and we look forward to their further comment. In addition, we are anticipating a reply from the Maui Planning Department verifying that there are no Special Management Area requirements for the proposed new well. Meanwhile, perhaps you can help us clarify some confusion concerning wells on or near your parcels.

Your October 8, 2004 letter identifies Makolelau Well #1 as an existing well on “Lot D”. The map you supplied also marks an “existing water well” adjacent to the road on “Lot D”. We do not have a map corroborating that “Lot D” is the same as TMK: 5-5-1:15, but believe this to be the case. Do you have corroborating documentation to this effect? Our file information indicates an existing well on TMK: 5-5-1:15, called “Bruce (Anglin) #1”, Well No. 0355-05, but it is mapped more mauka on the parcel, nearer the “proposed house” depicted on your map. Is this possibly the same well, and should we correct our map to reflect that 0355-05 is in fact where you depict existing Makolelau #1? If so, we can also reflect a well name change from “Bruce #1” to “Makolelau #1”.

Your letter says “Makolelau Well #2 is to be a new well located on Lot E”. Your map shows a “proposed well” on “Lot E”, and your application indicates that a well will be located on TMK: 5-5-1:13, but calls it “Makolelau #1”. We believe that TMK: 5-5-1:13 is the same as your “Lot E”, but have no corroborating documentation. We believe the application should have referred to this well as “Makolelau Well #2”. Is that correct?

Your driller made an effort to locate the two wells on our map, and his depiction places the “new well” mauka of the well to be refurbished, both wells on TMK: 5-5-1:13. He also referred to the new well as Makolelau #1 and the refurbished well as Makolelau #2. We believe these representations to be in error, based on your letter, but it has caused some confusion here as we try to sort out the situation.
As previously noted, we had no information on the "Makolelau A" well (Well No. 0355-04), and at this point we are wondering what may be true about it. It appears on our map to be on TMK: 5-5-1:13 ("Lot E"?), and your driller depicted it there. He seemed to think it was the well to be refurbished. Is it one of the two wells mentioned in your letter, or an entirely different well?

If you have any questions, please call Charley Ice of the Commission staff at 587-0251 or toll-free at 984-2400, extension 70251.

Sincerely,

W. Roy Handy

YVONNE Y. IZU
Deputy Director

Cl:ss
Attachment
Yvonne Y. Izu  
Deputy Director  
State of Hawaii  
Department of Land and Natural Resources  
PO Box 621  
Honolulu, HI 96809

RE: Makolelau-McAfee Wells 1 & 2 (Well Nos. 0355-07 & 04)

Dear Ms. Izu,

I am in receipt of your letter dated 10-16-2004 regarding the above referenced well construction/pump installation permit applications.

I do agree that this area is a sensitive archaeological region and with that in mind we are willing to provide any archaeological survey of the immediate area of the well locations. You have insinuated that the Historic Preservation Division has requested further information from us and is awaiting a response. To date I have not received any such request. Please provide me with the written request from either the Historic Preservation Division or your office.

I am not certain your office understands the applications made by me. Makolelau well No. 1 is an existing water well previously approved for drilling by your office for the previous owners of this property. I was merely wanting to “clean out” this well, properly develop it and proceed to comply with any additional state permits as needed. The archeological requirements obviously have been reviewed and approved by your office previously, prior to an original water well drilling permit issuance. Makolelau well No. 2 is to be a new well located on lot E. Incidentally Makolelau well no. 1 is on Lot D.
It may be in order for us to have an archaeological survey performed for the well No. 2 location on Lot E. Please advise!

As to item #2 of you letter, there has not been a cease and desist order issued by the office of Conservation and Coastal Lands on either Lot D or Lot E. The order was only concerning Lots L & M which are coastal conservation lots and independent from lots D & E.

As to item #3 of you letter these two independent lots, D & E, are not coastal lots requiring SMA’s. These two lots are across the highway and are again not in an SMA zone.

Given the options 1 & 2 of your letter, I am requesting that you take all the above information provided by me into consideration and waive any additional processing time limits and allow the commissions approval of our permits.

As your office has taken nearly the whole original 90 day processing time to respond thus far and several weeks additional time prior, I am respectively requesting an early response.

Sincerely,

Don W. Williams

DWW/mbh

Cc: Carl E. McAfee, Esq.
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**Comments:**
- **Editor:** (2nd time)
- **Date:** Oct. 04
- **Action:** Please See Me
- **Signature:** Review & Sign
Mr. Don Williams
Don Williams, LLC
P.O. Box 331
Maunaloa, Hi 96770

Dear Mr. Williams:

Well Construction/Pump Installation Permit Application
Makolelau-McAfee Wells 1 & 2 (Well Nos. 0355-07 & 04)

Responses to your application indicate that this is a sensitive area for archaeological sites and that the Historic Preservation Division has requested further information, and still awaits a response, from you to assist their review. Further, we are informed that this property is subject to a cease and desist order from the Office of Conservation and Coastal Lands that has not yet been resolved. Finally, we have yet to receive a definitive response from the Maui Planning Department concerning Special Management Area (SMA) permit requirements.

Your application indicates that there are no archaeological requirements, nor SMA requirements, and these representations may be incorrect. Misrepresentation of facts on an application is grounds for denial, or revocation if discovered later (§174C-84(g)).

Three issues are outstanding before approving your permit:

1. Clearance from the Historic Preservation Division that they have determined that no impacts from well construction are likely, or that any well construction impacts can be reasonably mitigated;
2. Clearance from the Office of Conservation and Coastal Lands that the cease and desist order has been resolved; and
3. Clearance from the Maui Planning Department that any SMA requirements have been met.

Given these circumstances, there are two courses of action:

1. Acting within the 90 days allowed, your application will be denied without prejudice. You may re-submit your application when the above three issues are resolved or request a hearing before the Commission regarding this denial; or
2. You may waive the 90-day processing time-limit, and provide the requested information for making the appropriate determinations to allow Commission's approval of your permit.

If you have any questions, please call Charley Ice of the Commission staff at 587-0251 or toll-free at 1-800-468-4644, extension 70251.

Sincerely,

YVONNE Y. IZU
Deputy Director

Cl:ss
MEMORANDUM

TO: Yvonne Izu, Deputy Director
    Commission on Water Resource Management
    [ATTN: Charley Iez]

FROM: P. Holly McEldowney, Administrator
      Historic Preservation Division

SUBJECT: Chapter 6E-42 Historic Preservation Review of the Proposed Makolelau-
         McAfee Wells 2 & 1 (Well No. 0355-04 & 07)
         Makolelau, Kona, Moloka`i
         TMK: (2) 5-5-001:015

Our review is based on historic maps, aerial photographs, records, and reports maintained at the
State Historic Preservation Division; no field inspection was made of the subject parcel. We
received your request for review on July 21, 2004 and provide the following comments.

The applicant proposed to construct a well at Makolelau, Moloka`i. A portion of the subject
parcel was included in an archaeological inventory survey reviewed and approved by our office in
1989 (Rosendahl & Walker. 1989. Archaeological Inventory Survey, Makolelau Development
Project Area, Land of Makolelau, Molokai District, Island of Molokai). No historic sites were
found on the portion of Parcel 15 that underwent survey. We cannot tell, however, from the
submitted materials whether or not the proposed well site was included in the prior survey.

We recommend that the applicant submit additional materials in support of the application.
The data should include the following items:

1. Area of Potential Effect (APE) shown on a USGS quad map or other appropriate
   map. Please include the site plan of the APE with locations of historic sites and
   their relation to roads, public views, etc. If well construction will also require the
   construction of an access road or other facilities, please show these things on the
   map of the APE, too.
2. The acreage of the APE;
3. Photographs of the existing conditions of the APE, and other pertinent subjects
   such as known historic properties;
4. A summary of historic properties known or thought to be within the APE. If any
   historic buildings are within the APE, please include date of construction or the
   age (known or an estimate), if known.
When we receive these data, we shall be better able to provide recommendations on historic preservation compliance. If it appears that the area proposed for the well construction was not included in the prior survey, we may recommend that a supplemental archaeological inventory survey be carried out prior to any construction.

Should you have any questions, please contact Sara Collins at 692-8026.

SC: sky

c: Michael Foley, Director, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Maui Cultural Resources Commission, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Lori Buchanan, Moloka’i Planning Commission, Dept of Planning, County of Maui, 250 S. High Street, Wailuku, HI 96793
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<th>FROM: Roy</th>
<th>DATE: Sep-7 2004</th>
<th>TO: Bauer, G.</th>
<th>Init</th>
<th>Date:</th>
<th>FOR: Approval</th>
<th>PLEASE: See Me</th>
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<td>Yoshinaga, M.</td>
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Comment deadline was 8/6. Should we have issued already? Almost 2 months for DHP comment!

Should let applicant know asap. (I wish DHP would contact directly—they don’t want to work w/ people?)
Hi Charley -

We sent our comment memo to CRWM on August 26, 2004. I can fax you a copy if you like, but I have attached an electronic copy; basically, as you see, we asked for a bunch of information that is lacking from the application. Needless to say, we haven't received anything further from the applicant.

The contractor, Don Williams, sent me a copy of the prior archaeological report in early July, but no other information. I emailed him immediately with the same requests for information as contained in our memo to you folks, but have heard nothing since. Not a good sign.

While I have not yet seen an SMA for TMK: 5-5-1:15, there could definitely be HP issues with any development action on that parcel or the Makolelau lands, including well construction.

Maui County sent an inspector to Molokai yesterday to look into another grading/grubbing complaint I forwarded to them. The planning department told me that the inspector was investigating several cases, in addition to the one that concerns me. My case could be a disaster if it's true -- illegal grading & grubbing at TMK: 5-6-006:013, a parcel which includes the five heiau, and other significant sites, of the Hokukano-Ualapue National Register District.

Let me know if you need anything else.

Sara

P.S. My contacts on Moloka'i have told me that McAfee boasts openly about doing as he pleases with his property and then paying whatever fine he's assessed - it's all chump change to him, with his software billions.

04085C12.doc

Sara L. Collins, Ph.D.
Branch Chief - Archaeology
State Historic Preservation Division
555 Kukuihewa Building
601 Kamokila Boulevard
Kapolei, Hawai'i 96707
PHONE: 808-692-8026
FAX: 808-692-8020
Charley F Ice/DLNR/StateHiUS

Hi Sara!

A caller from Moloka'i says the parcel with well sites has many archaeological sites, and that you had sent
something in on it, but I haven't seen it yet. I'll be checking here, but just to let you know I'm looking for it and will be sure to give it a good look. The story goes that the applicant is a free-wheeling bulldozer and has dozed sites before and likes to bulldoze in the Conservation District w/o a permit, has a cease & desist order from Land Div. It sounds like the County will have something to say about the SMA, as well.

Sam, what can you tell us about the status of any projects? The applicant is John D. McAfee, the agent is Don W. Williams, and the parcel is 5-5-1:15, opposite Panahaha Fishpond in Makolelau.

Roy, to date, I have no responses at all.

Sam Lemmo sent this sealed message 9/29/04. I cannot forward or print it, but archived it:

"The landowner (McAfee) did some work on the makai parcel without a permit. Actually, his agent (Don Williams) did the work. They were fined and ordered to remediate. I am still trying to get a closure report from DECARE. The land maulka of the road is not in the Conservation District until you get way up high. Then it flows to Conservation "protective subzone". Thus we would not be involved in any action on the maulka land. I suggest that you all keep an eye on this one. (get the feeling that the contractor is not necessarily the landowner) is a shoot first and answer questions later kind of fellow."
July 19, 2004

Mr. Don Williams
Don Williams, LLC
P.O. Box 331
Maunaloa, HI 96770

Dear Mr. Williams:

Well Construction/Pump Installation Permit Application for Well No. 0355-04 & 07

We acknowledge receipt, on July 12, 2004, of your completed Well Construction/Pump Installation permit applications and filing fee for the Makolelau-McAfee Wells 2 & 1 (Well Nos. 0355-04 & 07). You can expect your application to be processed within ninety (90) days from this date.

For your information, the process of constructing a well is normally regulated and permitted in two (2) steps. First, a well construction permit is issued for drilling and testing purposes only. Based upon information provided by you through a Well Completion Report Part 1 (Well Construction), a pump installation permit (upon completed application) may then be issued to authorize pump work. If a pump is installed then a Well Completion Report Part 2 (Pump Installation) is required.

If you have any questions about your permit application, please contact Charley Ice of the Commission staff at 587-0251 or toll-free 1-800-468-4644, extension 70251.

Sincerely,

YVONNE Y. IZU
Deputy Director

Cl:ss

c: Paul Frandsen
July 19, 2004

TO: Holly McEldowney, Acting Administrator  
    Historic Preservation

FROM: Yvonne Y. Izu, Deputy Director  
    Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application  
         Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

Transmitted for your review and comment is a copy of the captioned Well  
Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by August 6, 2004. If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Iice of the Commission staff at 587-0251.

RESPONSE:

[ ] There may be areas in the vicinity of the well site that contain subsurface cultural remains such as artifacts, burials or concentrations of shells or charcoal.

[ ] Other relevant Historic Preservation rules/regulations, information, or recommendations are attached.

[ ] No objections

[ ] Other comments:

Contact Person: _____________________________ Phone: ______________

Signed: _____________________________ Date: ______________
FROM:  CHARLEY
DATE:  04-May-04
SUSPENSE DATE:  04-May-04

PLEASE:

BAUER, G.
NAKAMA, L.

NAKANO, D.

NISHIOKA, L.
OHYE, M.

SAKODA, E.
SUBIA, S.

SWANSON, S.
UYENO, D.

YODA, K.

FOR:  Approval

SUSPENSE DATE:  024-May-04

CHING, F.
NAKAMA, L.

FUJII, N.

HARDY, R.

HIGA, D.
HIGANO, E.

ICE, C.
IMATA, R.

JINNAI, R.
KUNIMURA, I.

DATE:  024-May-04

IF:  Approval

DATE:  024-May-04

SEE ME

Takedo:  Action

Type Draft acknowledgment letter

Type Final, label new file folder

File

Xerox copies

FROM:  CHARLEY
DATE:  04-May-04
SUSPENSE DATE:  04-May-04

PLEASE:

BAUER, G.
LAU, E.

NAKAMA, L.

NAKANO, D.

NISHIOKA, L.

OHYE, M.

SAKODA, E.

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CHING, F.
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HIGA, D.
HIGANO, E.

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IMATA, R.

JINNAI, R.
KUNIMURA, I.

DATE:  024-May-04

SEE ME

Takedo:  Action

Type Draft acknowledgment letter

Type Final, label new file folder

File

Xerox copies

WELL NUMBER 0355-04
WELL NAME Makolelau "A" #2

WELL CONSTRUCTION

PUMP INSTALLATION

BOTH?

ATTACHMENTS FOR APPLICATION PROCESSING - Both applicant & staff generated

1. TRANS. LETTER
2. CWRM MAP
3. APPL. FORM (5 COPIES)
4. USGS MAPS (5 COPIES)
5. TAX MAPS (6 COPIES)
6. PARCEL OWNER VERIF.
7. MLS PRINTOUT
8. CONTRACTOR VERIF.
9. DOCA LICENSE SCREEN PRINTOUT
10. BACKGROUND CHECK
11. 25 FEE DEPOSIT SLIP

DATE ACTION

26 May 04 BOTH?

WUPA?

INCOMPLETE ACTION DATES:

DATE ACTION

26 May 04 BOTH?

WUPA?

background check - yellow marks.

12 July 04 Fraudlan visited office with corrected info:

2 wells - Well A to be modified, renamed Well "Z"
additional well to be done first, called Well #1 (?!)

Apologies:

what about Mitchs comments?  1) 0355-07 doesn't quite correct
2) 0355-06 expired in wax hand
3) send expiration notice, see Hagy letter

- No disposition of

0355-04 - Makolelau "A" (not 10'd before this letter)
0355-06 - expired in wax hand, now to be renamed "Z"
0355-07 - had been mapped, but no reference anywhere -
route number here for "Well #1" instead of 08 or 09

0355-04 Fortier Estate

02

03 Makolelau Well A

04 Makolelau Well A

05 Bruce Anglia

06 HAGY (expired) not allowed?

07 Makolelau #1
Mr. Don Williams
Don Williams, LLC
P.O. Box 331
Maunaloa, HI 96770

Dear Mr. Williams:

Well Construction/Pump Installation Permit Application for Well No. 0355-04 & 07

We acknowledge receipt, on July 12, 2004, of your completed Well Construction/Pump Installation permit applications and filing fee for the Makolelau-McAfee Wells 2 & 1 (Well Nos. 0355-04 & 07). You can expect your application to be processed within ninety (90) days from this date.

For your information, the process of constructing a well is normally regulated and permitted in two (2) steps. First, a well construction permit is issued for drilling and testing purposes only. Based upon information provided by you through a Well Completion Report Part 1 (Well Construction), a pump installation permit (upon completed application) may then be issued to authorize pump work. If a pump is installed then a Well Completion Report Part 2 (Pump Installation) is required.

If you have any questions about your permit application, please contact Charley Ice of the Commission staff at 587-0251 or toll-free 1-800-468-4644, extension 70251.

Sincerely,

YVONNE Y. IZU
Deputy Director

Cl: ss

c: Paul Frandsen
July 19, 2004

TO: Dede Mamiya, Administrator  
Land Division

FROM: Yvonne Y. Izu, Deputy Director  
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application  
Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application with regard to the programs, plans, and objectives specific to your division. Please respond by returning this cover memo form by August 6, 2004. If we do not receive comments or a request for additional review time by this date, we will assume you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley Ice of the Commission staff at 587-0251.

RESPONSE:

[ ] A water lease/permit is required of this applicant and an application for such will be requested by our division.

[ ] A water lease/permit is not required of this applicant.

[ ] A water lease/permit has been obtained by the applicant through lease no.__________________.

[ ] This well project [ ] requires [ ] does not require a CDUP. If a CDUP is required it [ ] has [ ] has not been approved and [ ] is [ ] is not currently active.

[ ] Other relevant Land Division rules/regulations, information, or recommendations are attached.

[ ] No objections

[ ] Other comments:

Contact Person: ___________________________ Phone: __________

Signed: ___________________________ Date: __________
July 19, 2004

TO: Honorable Chiyome L. Fukino, M.D., Director
    Department of Health
    Attention: Harold Yee, Wastewater Branch
              William Wong, Safe Drinking Water Branch
              Dr. Keith Kawaoa, Hazardous Evaluation and Emergency Response
              Alec Wong, Clean Water Branch

FROM: Peter T. Young, Chairperson
      Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
         Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

Transmitted for your review and comment is a copy of the captioned Well Construction/Pump Installation permit application.

We would appreciate your comments on the captioned application for any conflicts or inconsistencies with the programs, plans, and objectives specific to your department. Please respond by returning this cover memo form by August 6, 2004. If we do not receive comments or a request for additional review time by this date, we will assume that you have no comments.

Please find the attached maps to locate the proposed well. If you have any questions about this permit application, request additional information, or request additional review time, please contact Charley ice of the Commission staff at 587-0251.

Class
Attachment(s)

RESPONSE:

[ ] This well qualifies as a source which will serve as a source of potable water to a public water system (defined as serving 25 or more people at least 60 days per year or has 15 or more service connections) and must receive Director of Health approval prior to its use to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, Rules Relating To Potable Water Systems, §11-20-29.

[ ] This well does not qualify as a source serving a public water system (serves less than 25 people or more people at least 60 days per year or 15 service connections) and if the well water is used for drinking, the private owner should test for bacteriological and chemical presence before initiating such use and routinely monitor the water quality thereafter. However, if future planned use from this source increases to meet the public water system definition then Director of Health approval is required prior to implementation.

[ ] If the well is used to supply both potable and non-potable purposes in a single system, the user shall eliminate cross-connections and backflow connections by physically separating potable and non-potable systems by an air gap or an approved backflow preventer, and by clearly labeling all non-potable spigots with warning signs to prevent inadvertent consumption of non-potable water. Backflow prevention devices should be routinely inspected and tested.

[ ] It does not appear that this well will be used for consumptive purposes and is not subject to Safe Drinking Water Regulations.

[ ] For the applicant's information, a source of possible wastewater contamination [ ] is [ ] located near the proposed well site (information attached).

[ ] An NPDES permit is required.

[ ] Other relevant DOH rules/regulations, information, or recommendations are attached.

[ ] No comments/objections

Contact Person:  
Phone:  

Signed:  
Date:  
July 19, 2004

TO: Dede Mamiya, Administrator
Land Division

FROM: Yvonne Y. Izu, Deputy Director
Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

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RESPONSE:

[ ] A water lease/permit is required of this applicant and an application for such will be requested by our division.

[ ] A water lease/permit is not required of this applicant.

[ ] A water lease/permit has been obtained by the applicant through lease no. __________________________.

[ ] This well project [ ] requires [ ] does not require a CDUP. If a CDUP is required it [ ] has [ ] has not been approved and [ ] is [ ] is not currently active.

[ ] Other relevant Land Division rules/regulations, information, or recommendations are attached.

[ ] No objections

[ ] Other comments:

Contact Person: ___________________________ Phone: __________

Signed: ___________________________ Date: __________
July 19, 2004

TO: Holly McEldowney, Acting Administrator
    Historic Preservation

FROM: Yvonne Y. Izu, Deputy Director
      Commission on Water Resource Management

SUBJECT: Well Construction/Pump Installation Permit Application
         Makolelau-McAfee Wells 2 & 1 (Well No. 0355-04 & 07)

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about this permit application, request additional information, or request additional review time,
please contact Charley Ice of the Commission staff at 587-0251.

Cl: ss
Attachment(s)

RESPONSE:

[ ] There may be areas in the vicinity of the well site that contain subsurface cultural remains such as artifacts,
burials or concentrations of shells or charcoal.

[ ] Other relevant Historic Preservation rules/regulations, information, or recommendations are attached.

[ ] No objections

[ ] Other comments:

Contact Person: ___________________________________________________________________ Phone: ________________

Signed: ___________________________________________________________________________ Date: _________________
WELL & PUMP INFORMATION: (Please fill in the diagram on the back of this form.)

1. WELL NAME: MAKolelau #1
   Island: Molokai
   Address: Kamehameha Hwy
   Tax Map Key:
   Zone: 5 Sec: 501 Plat: 15

   Attach: (a) portion of a 7.5-Minute Series USGS topographic map (scale 1:24,000) with well location labeled and include the name of the quad map
   (b) a property tax map, showing well location referenced to established property boundaries

3. PROPOSED WORK: (check all that apply)
   □ Construct New Well
   □ Install New Pump*
   □ Modify Existing Well*
   □ Modify Pump*
   □ Abandon/Seal*

   *State Well No.:
   (if unknown, please call Commission at 587-0225)

4. CONSTRUCTION:
   □ Drilled
   □ Dug
   □ Shaft
   □ Tunnel

   Is this well part of a battery of wells? □ Yes □ No
   (Please describe)

5. PROPOSED PUMPING RATE:
   □ 20 gallons per minute

6. PROPOSED USE: (check all that apply)
   □ Municipal (including hotels, stores, etc.)
   □ Domestic (individual, noncommercial water system)
   □ Industrial
   □ Irrigation (crop)
   □ Military
   □ Other (explain)
   No. of Acres:

7. (a) PROPOSED AMOUNT OF WITHDRAWAL: 2880 gallons per day
   (b) METHOD OF FLOW MEASUREMENT:
   □ Flowmeter
   □ Open-pipe
   □ Weir
   □ Orifice
   □ Other (explain)

OTHER IMPORTANT INFORMATION:

8. LEGAL REQUIREMENTS: If required, these permits must be obtained before the Commission can legally issue a permit.
   Conservation District Use Permit (CDUP): To find out if a CDUP is necessary, call DLNR Land Division at 587-0414
   □ Not Required
   □ Required, if required, date approved
   Environmental Impact Statement (EIS) or Environmental Assessment (EA): To determine if an EIS or EA is necessary, call OEQC at 586-4185
   □ Not Required
   □ Required, if required, date published in OEQC bulletin
   Special Management Area Permit (SMAP): To determine if a SMAP is necessary; on Oahu, call 527-5374; on Hawaii, call 961-8268; for Maui county, call 270-7235; on Kauai, call 241-6677.
   □ Not Required
   □ Required, if required, date approved

9. ARCHEOLOGICAL REQUIREMENTS:
   To find out if an archeological work is required: on Oahu, call Elaine Jourdale at 692-8227; on Hawaii, call MaryAnne Maigret at 327-3690, for Maui county, call Cathy Dagher at 692-8223, on Kauai, call Nancy McMahon at 742-7033.
   □ Not Required
   □ Required, if required, please attach letter from DLNR Historic Preservation

10. REMARKS, EXPLANATIONS:
   (If more space is needed, please attach additional sheet)

NOTE: Signing below indicates the signatories understand and swear that the information provided on this application is accurate and true to the best of their knowledge. Further, the signatories understand that approval of this application attaches the following standard conditions: 1) the proposed work is to be completed within two (2) years of the approval date; 2) the contractor shall submit to the Commission a well completion/bandonment report within 60 days after the completion date of the permitted work; 3) monthly water use data shall be submitted to the Commission; 4) such approval shall not constitute a determination of correlative water rights and shall not guarantee the pump capacity or future use up to the permitted pump capacity; 5) in the event that the application is not completed correctly, any permit may be suspended until the item is brought in to compliance, and any work done while the permit is in suspension may result in fines of up to $1000/day.

Well Owner
(print legibly)
J. D. McAfee
Signature:
Date: 5/1/04

Landowner
(print legibly)
J. D. McAfee
Signature:
Date: 5/1/04

Contractor
(print legibly)
P. F. Anderson
Signature:
Date: 5/1/04

For official use only
Latitude: Aquifer System No.
Longitude: State Well No.
10. PROPOSED WELL SECTION

(Please attach schematic if different from diagram provided below)

Hole Diameter: 12 in.
Minimum of 2" Radius & 4" Thick Concrete Pad (to contain benchmark surveyed to nearest 0.01 ft)
Ground Elevation: 48 ft, msl

Solid Casing: (≥ 90% x (Ground Elev.-Water Level Elev.))
Total Length: 72 ft.
Nominal Diameter: 1 1/2 in.
Wall Thickness: 0.250 in.
Bottom Elevation: 32 ft, msl

Open Casing:
- Perforated
- Screen
Total Length: 20 ft.
Nominal Diameter: 6 1/4 in.
Wall Thickness: 0.174 in.
Bottom Elevation: 4 ft, msl

Cement Grout: 50% (min. 70% of distance from ground elevation to top of water surface or 500 ft, whichever is less.)
Annular space between hole and casing (min.3"): 3 in.
Rock or Gravel Packing:
- 2 ft. Material:
  - Crushed Basalt
  - Rounded Gravel

Total Depth 70 ft.

Estimated Water Level Elevation: 50 ft, msl

≥ 90% x (Ground Elev.-Water Level Elev.)

Solid Casing:
- Carbon Steel: compliant with (check one or more):
  - ANSI/AWWA C200
  - API Spec. 5L
  - ASTM A53
  - ASTM A139
- and compliant with (check one or more):
  - ASTM A242
  - Type E
  - Type S
  - Grade B
  - Other
- ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one):
  - Schedule 40
  - Schedule 80
- PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one):
  - Schedule 40
  - Schedule 80
  - Schedule 120
- Thermostat Plastic: (check one):
  - Filament Wound Resin Pipe conforming to ASTM D2996
  - Centrifugally Cast Resin Pipe conforming to ASTM D2997
  - Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
  - Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
  - PTFE Fluorocarbon Tubing conforming to ASTM D3296
  - FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing:
- Carbon Steel: compliant with (check one or more):
  - ANSI/AWWA C200
  - API Spec. 5L
  - ASTM A53
  - ASTM A139
- and compliant with (check one or more):
  - ASTM A242
  - Type E
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- PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241): (check one):
  - Schedule 40
  - Schedule 80
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  - Filament Wound Resin Pipe conforming to ASTM D2996
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  - Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
  - Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
  - PTFE Fluorocarbon Tubing conforming to ASTM D3296
  - FEP Fluorocarbon Tubing conforming to ASTM D3296

* The approximate elevation must be referenced to mean sea level (msl) at the time of application filing. Final elevations of well components shall be submitted in the Well Completion/Well Abandonment reports and referenced to a benchmark which has been established by a surveyor licensed by the State.

For non-salt water Basalt Wells - bottom elevation of well should not be deeper than 1/4 of aquifer thickness or, Bottom Elevation of Well Limit = (Water Elevation - 1/4 Elevation of Water Level Elev.)

Example: Estimated * 2 ft. Water Level Elev. —→ Bottom Elevation of Well Limit = (2 - 0.5 ft) = -1.5 ft.
APPLICANT INFORMATION: (Fill out all three, if applicable, and place a check next to the primary contact)
1. (a) □ WELL OWNER: John D. McAfee  
   Contact Person: Don Williams  
   Phone: 808-336-3887  
   Mailing Address: P.O. Box 331, Maualaa, Hi 96711  
   Fax: 808-552-0227  
   E-mail: D.Williams@Aol.com
(b) □ LAND OWNER: John D. McAfee  
   Contact Person: Don Williams  
   Phone: 808-336-3887  
   Mailing Address: P.O. Box 331, Maualaa, Hi 96711  
   Fax: 808-552-0227  
   E-mail: D.Williams@Aol.com
(c) □ CONTRACTOR: American Drilling  
   Mailing Address: P.O. Box 2039, Aiea, Hi 96701  
   Phone: 808-685-6145  
   Fax:

WELL & PUMP INFORMATION: (Please fill in the diagram on the back of this form.)
2. WELL NAME: Makolelau #1  
   Island: Molokai  
   Address: Kamehameha Hwy.  
   Tax Map Key:  
   Zone: 5  
   Sec: 01  
   Plat: 13  
   Parcel: 014

Attach: (a) portion of a 7.5-Minute Series USGS topographic map (scale 1:24,000) with well location labeled and include the name of the quadrangle map
(b) a property tax map, showing well location referenced to established property boundaries

3. PROPOSED WORK: (check all that apply)
   □ Construct New Well  
   □ Install New Pump*  
   □ Modify Existing Well*  
   □ Modify Pump*  
   □ Abandon/Seal*  
   *State Well No:________________________ (If unknown, please call Commission at 587-0225)

4. CONSTRUCTION:  
   □ Drilled  
   □ Dug  
   □ Shaft  
   □ Tunnel  
   □ Is this well part of a battery of wells?  
   □ Yes  
   □ No
   (Please describe)

5. PROPOSED PUMPING RATE:  
   Gallons per minute: 20  
   Domestic (individual, noncommercial water system)

6. PROPOSED USE: (check all that apply)
   □ Municipal (including hotels, stores, etc.)  
   □ Industrial  
   □ Municipal (DOMINOES, individual, noncommercial water system)  
   □ Does this well serve 25 or more people at least 60 days per year or have 15 or more service connections?  
   □ Yes  
   □ No
   □ Irrigation (crop)  
   □ No. of Acres:  
   □ Military  
   □ Other (explain):  

7. (a) PROPOSED AMOUNT OF WITHDRAWAL: 2880  
   Gallons per day
   □ Flowmeter  
   □ Open-pipe  
   □ Weir  
   □ Office  
   □ Other (explain)

OTHER IMPORTANT INFORMATION:
8. LEGAL REQUIREMENTS:
   □ If required, these permits must be obtained before the Commission can legally issue a permit:
   Conservation District Use Permit (CDUP) To find out if a CDUP is necessary, call DLNR Land Division at 587-0414
   □ Not Required  
   □ If required, date approved  
   Environmental Impact Statement (EIS) or Environmental Assessment (EA) To determine if an EIS or EA is necessary, call OECG at 586-4185
   □ Not Required  
   □ If required, date published in OECG Bulletin
   Special Management Area Permit (SMAP) To determine if a SMAP is necessary: on Oahu, call 527-5374; on Hawaii, call 961-8288; for Maui county, call 270-7235; on Kauai, call 241-6977.
   □ Not Required  
   □ If required, date approved

9. ARCHEOLOGICAL REQUIREMENTS:
   □ If required, please attach letter from DLNR Historic Preservation

10. REMARKS, EXPLANATIONS:
    □ (If more space is needed, please attach additional sheet)

NOTE: Signing below indicates the signatories understand and swear that the information provided on this application is accurate and true to the best of their knowledge. Further, the signatories understand that approval of this application attaches the following standard conditions: 1) the proposed work is to be completed within two (2) years of the approval date; 2) the contractor shall submit to the Commission a well completion/abandonment report within 60 days after the completion date of the permitted work; 3) monthly water use data shall be submitted to the Commission; 4) such appraisal shall not constitute a determination of correlative water rights and shall not guarantee the pump capacity or future use up to the permitted pump capacity; 5) in the event that the application is not completed correctly, any permit may be suspended until the item is brought in to compliance, a work done while the permit is in suspension may result in fines of up to $1000/day.

Well Owner: John D. McAfee  
Landowner: John D. McAfee  
Contractor: Paul Frandsen  

Signature: ___________________________  
Signature: ___________________________  
Signature: ___________________________

Date: ____________________________  
Date: ____________________________  
Date: ____________________________

For official use only:  
Latitude: ___________________________  
Longitude: ___________________________  
Aquiifer System No. ___________________________  
State Well No. ___________________________  

WCPIPA Form 7/17/03
10. PROPOSED WELL SECTION

(Please attach schematic if different from diagram provided below)

For Carbon Stainless ABS Carbon Stainless PVC

The approximate elevation must be referenced to mean sea level (msl) at the time of application filing. Final elevations of well components shall be submitted in the Well Completion/Well Abandonment reports and referenced to a benchmark which has been established by a surveyor licensed by the State.

For non-salt water Basal Wells - bottom elevation of well should not be deeper than 1/4 of aquifer thickness or, Bottom Elevation of Well Limit = (Water Elevation - 0.25 x Water Level Elev) / 4

Example: Estimated + 2 ft. Water Level Elev. Bottom Elevation of Well Limit = (2 - 4 ft) / 4 = 0.5 ft.

Solid Casing Material:
Carbon Steel: compliant with (check one or more): □ ANSI/AWWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A139
And compliant with (check one or more): □ ASTM A242 □ Type E □ Type S □ Grade B □ Other

ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one): □ Schedule 40 □ Schedule 80

PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241); (check one): □ Schedule 40 □ Schedule 80 □ Schedule 120

Thermoset Plastic: (check one)
□ Filament Wound Resin Pipe conforming to ASTM D2996
□ Centrifugally Cast Resin Pipe conforming to ASTM D2997
□ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
□ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
□ PTFE Fluorocarbon Tubing conforming to ASTM D3296
□ FEP Fluorocarbon Tubing conforming to ASTM D3296

Open Casing Material:
Carbon Steel: compliant with (check one or more): □ ANSI/AWWA C200 □ API Spec. 5L □ ASTM A53 □ ASTM A139
And compliant with (check one or more): □ ASTM A242 □ Type E □ Type S □ Grade B □ Other

ABS Plastic conforming to ASTM F480 and ASTM D1527: (check one): □ Schedule 40 □ Schedule 80

PVC Plastic conforming to ASTM F480 and (ASTM D1785 or ASTM D2241); (check one): □ Schedule 40 □ Schedule 80 □ Schedule 120

Thermoset Plastic: (check one)
□ Filament Wound Resin Pipe conforming to ASTM D2996
□ Centrifugally Cast Resin Pipe conforming to ASTM D2997
□ Reinforced Plastic Mortar Pressure Pipe conforming to ASTM D3517
□ Glass Fiber Reinforced Resin Pressure Pipe conforming to AWWA C950
□ PTFE Fluorocarbon Tubing conforming to ASTM D3296
□ FEP Fluorocarbon Tubing conforming to ASTM D3296
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waiver out;

waiver confirmed by phone 24 Nov 04

deadline confirmed by phone response letter dated 08 Oct 04 rec'd 13 Oct expressing desire for decision, not waiver

our letter dated 03 Nov 04 outlined questions about which wells were which.

If not waiving 90 day how can we hold up? Sounds like we deny (based on? DHP not getting a private well site archeological report?) Sin me

appearing? Also, did we send notice of holding it up due to confusion? (I think we did - I need date of this letter for database)
550010380000 (LOT L- 8.970 acres)  
MAKOLELAU-KAMALO  
MCAFEE JOHN  
Sale Date  
06/25/2003  
Sale Amount  
$1,250,000  
Instrument Number  
03-140265

550010360000 (LOT M- 8.105 acres)  
MAKOLELAU-KAMALO  
MCAFEE JOHN  
Sale Date  
06/25/2003  
Sale Amount  
$1,250,000  
Instrument Number  
03-140265
HIGHLIGHTS

Lot D: 5.15.75 ± Acres with 1,300 ± Ft. Frontage on Highway 450 • Covered in Native Vegetation • Numerous Waterfalls • Mountain Streams
• Entire Property Surrounded by Breathtaking Ocean Views • Power Available on Main Road • Zoned Agriculture • Property May be Sub-Divided into Tracts with Proper Permits & Approval

Lot E: 5.06.56 ± Acres with 700 ± Ft. Frontage on Highway 450 • Covered in Native Vegetation • Numerous Waterfalls • Mountain Streams
• Entire Property Surrounded by Breathtaking Ocean Views • Power Available on Main Road • Zoned Agriculture • Property May be Sub-Divided into Tracts with Proper Permits & Approval

Lot K: 6.18 ± Acres with 725 ± Ft. Beach/Ocean Frontage • 775 ± Ft. Frontage with Partial Ownership in Ancient Hawaiian Fish Pond Known as Kau'ai Fish Pond • 750 ± Ft. Frontage on Highway 450 • Covered in Native Vegetation • Breathtaking Ocean Views • Power Available on Main Road • Zoned for 1 Main Home & 1 Guest Home

Lot L: 8.97 ± Acres with 1,075 ± Ft. Beach/Ocean Frontage • 530 ± Ft. Frontage with Partial Ownership in Ancient Hawaiian Fish Pond Known as Panahana Fish Pond • 1,100 ± Ft. Frontage on Highway 450 • Covered in Native Vegetation • Breathtaking Ocean Views • Power Available on Main Road • Zoned for 1 Main Home & 1 Guest Home

Lot M: 8.10 ± Acres with 1,425 ± Ft. Beach/Ocean Frontage • 1,300 ± Ft. Frontage with Partial Ownership in Ancient Hawaiian Fish Pond Known as Panahana Fish Pond • 1,425 ± Ft. Frontage on Highway 450 • Covered in Native Vegetation • Breathtaking Ocean Views • Power Available on Main Road • Zoned for 1 Main Home & 1 Guest Home

DIRECTIONS:
Leave Moloka'i Airport and drive east on Hwy. 460 approximately 12 miles to the town of Kaunakakai. At the intersection of Hwy. 450/460, take Hwy. 450 east. Property is located 3/10 of a mile past mile marker 6. Property is located on both sides of road.

TERMS: LOT K, L & M (OCEANFRONT HOMESTIES) — 10% down with $25,000 per lot being in certified funds.
LOT D & E (5.06 ± Acres) 20% down with $50,000 per tract being in certified funds. Entirely — 10% down with $100,000 being in certified funds. Closing in 45 days. 120 Percent Guaranteed Owner Financing Available under the following terms: 6% interest, 20% down, 10% escrow, 5% in 10 years, 10 years after. All properties surveyed.

AFFECTED by: None
TAXATION: Taxable
FLUVIAL: Location
TITULAR: All rights reserved.
The ad for the auction, which will be held on March 10, billed the property as “John McAfee’s Historic Oceanfront Plantation,” giving the impression to some that he had owned the parcel for a long time. The land was described as having beachfront tracts, ancient Hawaiian fishponds, a sandy beach, beautiful waterfalls, “excellent development potential” and “spectacular homesites” while being surrounded by ocean views of Maui and Lanai. The company handling the sale, the National Auction Group Inc., based in Alabama, claims to feature “America’s Trophy Property Auctioneers.”

McAfee, who owns other land on Molokai, couldn’t be reached for comment, but in an interview published last week in the Molokai Island Times, he said he was surprised at the reaction. He also said he was selling the land because he needs the money. He said most of his money has been invested in trusts to support anti-alcohol and anti-drug programs.

The Molokai Island Times is a new publication on Molokai, which reportedly is supported by McAfee.

Ritte said he had yet to meet McAfee. Hanohano Naehu, whose family lives in Waialua, described McAfee as “arrogant” with “an attitude” during an encounter on the East End.

In the Molokai Island Times interview, McAfee sounded defiant at times.

“As to the future – I will not be leaving,” he told the newspaper. “I will not be moved, bullied or intimidated. I am here and if that fact is uncomfortable for anyone, then come and see me, talk to me or simply learn to live with it.”

Egusa said it was never her intention that McAfee leave.

“No one is trying to force him to leave,” she said. “I think he just doesn’t understand the whole picture. He doesn’t understand why people like me got upset.”

Ritte said Hui Ho’opakele ’Aina hopes the auction can be stopped. Ritte said he hasn’t been able to contact McAfee personally, but has left word with the Molokai Island Times, where one of McAfee’s nephews works, about the upcoming meeting. “Hopefully, another effect will be him sitting down with people and caring about impacts on others in the community,” said Ritte.

“Right now he’s only concerned about one person and that’s himself.”

Valerie Monson can be reached at vmonson@mauinews.com.
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